

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

SEPTEMBER 5, 2002

THOMAS M. GATTLE, JR.
CHAIRMAN

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808

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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
SEPTEMBER 5, 2002

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, September 5, 2002

Chairman Thomas M. Gattle, Jr. presiding.

Terry Denmon
Lee Felterman
Tom Kelly
Wayne Sagrera
Jerry Stone

Secretary James H. Jenkins, Jr. was also present.

Commissioner Bill Busbice was absent from the meeting.

Chairman Gattle called for a motion for approval of the **August 1, 2002 Commission Minutes**. A motion for approval was made by Commissioner Felterman and seconded by Commissioner Sagrera. The motion passed with no opposition.

The **Monthly Law Enforcement Report for August** was given by Major Keith LaCaze. The following numbers of citations were issued during August.

Region I - Minden - 82 citations and 11 warnings.

Region II - Monroe - 69 citations and 8 warnings.

Region III - Alexandria - 134 citations and 9 warnings.

Region IV - Ferriday - 43 citations and 2 warnings.

Region V - Lake Charles - 207 citations and 4 warnings.

Region VI - Opelousas - 251 citations and 13 warnings.

Region VII - Baton Rouge - 181 citations and 13 warnings.

Region VIII - New Orleans - 218 citations and 17 warnings.

Region IX - Schriever - 130 citations and 9 warnings.

Oyster Strike Force - 18 citations.

SWEP - 11 citations and 1 warning.

Refuge Patrol - 30 citations and 3 warnings.

Seafood Investigation Unit - 4 citations.

The grand total of citations issued statewide for the month of August was 1,378. Also there were 90 warning citations issued statewide.

The aviation report for August 2002 showed enforcement pilots flew three airplanes a total of 96.1 hours for enforcement and 11.0 hours for other divisions. Ten citations were issued.

Mr. Phil Bowman handled the next agenda item, an **Approval of Atchafalaya Delta WMA Lease Renewal**. The Department entered into a lease about 25 years ago with the Office of State Lands for the area known as the Atchafalaya Delta WMA. This area has an emerging delta and it has been managed to enhance wetlands and wildlife. Mr. Bowman then explained why this area is important to wildlife stating that as many as 250,000 birds winter on this area and over 40,000 have utilized the WMA in recent years. Houseboat permits have recently been issued and now there are currently over 75 permits issued. During the 2001 fall teal season, about 1800 teal were taken with 95 percent being blue-winged teal. During the regular waterfowl season, about 13,000 birds were harvested by 4,400 hunter efforts. He then noted there is a good deer resource on the big island. This fall there will be a youth hunt for deer on the WMA. Other birds utilize the area such as skimmers and terns, roseate spoonbills, brown pelicans, white pelicans and geese. Mr. Bowman then asked the Commission to confirm and ratify a new 25 year lease for Atchafalaya Delta WMA. He read the Therefore Be It Resolved portion of the Resolution. Chairman Gattle asked Mr. Bowman to explain the mineral leases on the WMA. Mr. Bowman stated there are a number of mineral leases and the Department has been working with the oil and gas companies in doing their work in an environmentally sensitive manner. He added there will be a number of advertisements for leases in the upcoming months. Chairman Gattle then asked for public comments.

Mr. Carl Gremillion, Baton Rouge Sportsman League, asked what was the cost to lease the property? Mr. Bowman stated it was a free lease.

Hearing no further comments, Commissioner Kelly made a motion to adopt the Resolution and it was seconded by Commissioner Sagrera. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

ATCHAFALAYA DELTA WILDLIFE MANAGEMENT AREA
adopted by the
Louisiana Wildlife and Fisheries Commission

September 5, 2002

- WHEREAS, Atchafalaya Bay is a major wintering and staging area for waterfowl and other neo-tropical migrants, and annually attracts hundreds of thousands of ducks and geese, and is also an important fisheries estuary and nursery waters for a wide variety of fish and other aquatic organisms, and
- WHEREAS, Atchafalaya Bay is owned by the state, in trust for the benefit of the citizens of the State, and is a prime waterfowl hunting and fishing area for many of Louisiana's hunters and fishermen, and
- WHEREAS, Atchafalaya Bay is comprised of more than 125,000 acres, the vast majority of which, about 90%, is water bottom, with the rest, or more than 12,000 acres, being land formed by accretion, and
- WHEREAS, since 1977, the entirety of Atchafalaya Bay, both the water bottom and the accreted land, has been actively managed by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission as the Atchafalaya Delta Wildlife Management Area, and
- WHEREAS, in order to ensure that these properties remain perpetually dedicated for the purpose of maintaining such properties as a wildlife management area, the Wildlife

and Fisheries Commission, at its December 6, 2001 meeting passed a resolution confirming that all state owned lands, including water bottoms, located within Atchafalaya Bay, as more particularly described on Exhibit A to that Resolution, were included within a wildlife management area named the Atchafalaya Delta Wildlife Management Area.

WHEREAS, the Wildlife and Fisheries Commission, at its December 6, 2001 meeting authorized and empowered the Secretary of the Department of Wildlife and Fisheries, on behalf of the Commission, to take all actions necessary in furtherance of confirming the establishment the Atchafalaya Delta Wildlife Management Area. Based on this authority, the Secretary and the Chairman of the Commission executed a lease document by and between the Governor of Louisiana, the Commissioner of Administration, the State Land Office, the Department of Natural Resources, the Wildlife and Fisheries Commission, and the Department of Wildlife and Fisheries, which lease document further confirms that the above described area does constitute a wildlife management area. This lease document is attached hereto and made a part hereof.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby approve, ratify, and confirm the above described lease document and the provisions contained therein and the authority of the Secretary of the Department of Wildlife and Fisheries and the Chairman of the Commission to sign the lease document on behalf of the Commission.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

Resolution and Declaration of Emergency - 2002-03 Waterfowl Season began with Mr. Robert Helm stating last month tentative dates were set. The U.S. Fish and Wildlife Service did not make any changes to the framework guidelines. But, staff failed to extend the rail and gallinule seasons to the maximum number of days. The proposed dates for those 2 seasons would extend until January 8, 2003. Quite a few hunter comments were received with a majority being pleased and surprised of having a 60 day, 6 bird bag

limit. Chairman Gattle asked Mr. Helm to read the Therefore Be It Resolved portion of the Resolution. Commissioner Stone asked what were the other states doing with the pintail season? Mr. Helm stated Illinois is the only state that closed the season entirely and the other states are going with a 30 day season. Chairman Gattle asked if any public comments were received from north Louisiana on the goose season? Mr. Helm answered no. The Chairman then asked for public comments.

Mr. Sonny Ourso, Baton Rouge Sportsman League, asked why Louisiana only gets 9 days to hunt Canada Geese when Texas gets a whole year and Mississippi has a longer season as well? Mr. Helm stated Canada Geese are very late migrants and those numbers are very small compared to snows and white-fronted geese. Louisiana has taken a conservative approach to this season since there is a limited resource. Mr. Phil Bowman added there are resident flocks of Canada Geese that stays in Louisiana year round. A recommendation to open a limited season for these birds in south Louisiana was not received well by the public, so no season was set.

Commissioner Denmon made a motion to adopt the Resolution. Commissioner Feltermann seconded the motion and it passed with no opposition. Mr. Helm stated there was a colored map of Prairie Canada in the packets which shows they have received quite a bit of rain in the late summer months. This rainfall will be good for next year's nesting season. Commissioner Denmon asked what were the percentages on the map. Mr. Helm stated those were compared to the average.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 5, 2002.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D.C., and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby adopt the attached season dates, bag limits and shooting hours for ducks, geese and coots by Declaration of Emergency, and

BE IT FURTHER RESOLVED that these dates have been forwarded to the U.S. Fish and Wildlife Service as Louisiana's 2002-2003 Migratory Bird Hunting Regulations.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting season for ducks, coots and geese during the 2002-2003 hunting season shall be as follows:

Ducks and Coots: (60 days)

West Zone: Nov. 9 (Sat.) - Dec. 8 (Sun.) (30 days)
Dec. 21 (Sat.) - Jan. 19 (Sun.) (30 days)

East Zone: (Including Nov. 16 (Sat.) - Dec. 1 (Sun.) (16 days)
Catahoula Lake Dec. 14 (Sat.) - Jan. 26 (Sun.) (44 days)

Pintail Season Dates: (30 days)

West Zone: Nov. 9 (Sat.) - Dec. 8 (Sun.) (30 days)

East Zone: Nov. 16 (Sat.) - Dec. 1 (Sun.) (16 days)
Dec. 14 (Sat.) - Dec. 27 (Fri.) (14 days)

CANVASBACK SEASON CLOSED

Youth Waterfowl Weekend - Nov. 2-3 in West Zone, Nov. 9-10 in East Zone

Daily Bag Limits: The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail (during the specified 30 day season only and during youth hunts), 3 scaup, and 2 redhead. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and mergansers is twice the daily bag limit.

GEESE: LIGHT GEESE (SNOW, BLUE and ROSS') and WHITE-FRONTED GEESE

Statewide: (86 days) Nov. 2 (Sat.) - Dec. 8 (Sun.) (37 days)
Dec. 14 (Sat.) - Jan. 31 (Fri.) (49 days)

Daily bag limit on light geese (snow, blue and Ross'): 20
Possession limit on light geese (snow, blue and Ross'): None
Daily Limit on white-fronted geese: 2
Possession Limit on white-fronted geese: 4

CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW

Jan. 18 (Sat.) - Jan. 26 (Sun.) (9 days)

Daily Limit on Canada geese:	1
Possession limit on Canada geese:	2

The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows: Beginning at the Texas State Line, proceeding east along Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82.

A special permit shall be required to participate in the **Canada Goose Season**. A permit is required of everyone, regardless of age, and a non-refundable \$5 administrative fee will be charged. This permit may be obtained from any license vendor.

CONSERVATION ORDER FOR LIGHT GEESE (SNOW, BLUE AND ROSS')

Statewide:	Dec. 9 (Mon.) - Dec. 13 (Fri.) (5 days)
	Feb. 1 (Sat.) - Mar. 9 (Sun.) (37 days)

Only snow, blue and Ross' geese may be taken under the terms of the Conservation Order, which allows the use of electronic calls and unplugged shotguns and eliminates the daily bag and possession limits. During the Conservation Order, shooting hours begin one-half hour before sunrise and extend until one-half hour after sunset.

RAILS: Nov. 9 (Sat.) - Jan. 8 (Wed.) (61 days)

KING AND CLAPPER: Daily bag limit 15 in the aggregate, Possession 30.

SORA AND VIRGINIA: Daily bag and possession 25 in the aggregate.

GALLINULES: Nov. 9 (Sat.) - Jan. 8 (Wed.) (61 days)

Daily bag limit 15, Possession limit 30

SNIPE: Nov. 2 (Sat.) - Dec. 8 (Sun.) (37 days)

Dec. 14 (Sat.) - Feb. 21 (Fri.) (70 days)
Daily bag limit 8, Possession limit 16

Shooting Hours: one-half hour before sunrise to sunset, except at the Spanish Lake Recreation Area in Iberia Parish where shooting hours, including the Conservation Order, end at 2 p.m.

A Declaration of Emergency is necessary because the U. S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 2002 and extend through sunset on March 9, 2003.

Thomas M. Gattle, Jr.
Chairman

This next item, a **Resolution and Declaration of Emergency - Deer and Elk Importation** was the first to be handled by Mr. Fred Kimmel. This proposed action would amend a Declaration of Emergency adopted by the Commission at their May 2002 meeting which prohibited the importation of deer into Louisiana due to the threat of Chronic Wasting Disease (CWD). The proposal would clarify the duties of the persons that are receiving deer or elk and places a duty on the buyer to maintain documents indicating the source of the animals. The Notice of Intent already in place would reflect the changes when ratified. Mr. Kimmel read the amendments and then read the Therefore Be It Resolved portion of the Resolution. Chairman Gattle asked if this was just an amendment to the original emergency and would it extend the timeframe for ratifying the Notice of Intent? Mr. Kimmel stated it would not extend the timeframe to ratify the rule. Chairman Gattle asked if this would just tighten the regulations for handling of the animals? Mr. Kimmel answered yes. Chairman Gattle asked what was the penalty for violating this proposed rule? Major Keith LaCaze stated it was a Class 2 violation and first offense carries a fine of not less than \$100 and no more than \$350 or imprisonment for not more than 60 days or both; second offense has a fine of not less than \$300 and no more than \$550 and imprisonment for not less than 30 days and not more than 60 days; for the third and all subsequent offenses, the fine shall be not less than \$500 and no more than

\$750 and imprisonment for not less than 60 days nor more than 90 days and forfeiture of anything seized. Chairman Gattle felt this was not a very stiff penalty for what they were trying to accomplish. Commissioner Stone asked if the penalty was per event or per animal? Major LaCaze stated it could be per animal and this could cause the counts to stack up. Mr. Kimmel added the confiscation of the animals was equally important. Commissioner Denmon asked how many people are attempting to or have imported deer? For the year 2000, the Department of Agriculture and Forestry (LDAF) received permit applications from 10 people for 57 animals. There are about 240 people licensed to have deer pens between the LDAF and the Department of Wildlife and Fisheries. Hearing no further comments, Commissioner Felterman made a motion to adopt the Resolution and it was seconded by Commissioner Denmon. The motion passed unanimously.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and

WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and

WHEREAS, there is no live animal test for chronic wasting disease, and

WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and

WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and

WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and

WHEREAS, although the Louisiana Department of Wildlife and Fisheries and Louisiana Department of Agriculture and Forestry has licensed approximately 250 captive deer or elk enclosures of various types, the deer and elk industry in Louisiana is relatively small, and

WHEREAS, in contrast, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and

WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and

WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 28 states have placed a moratorium on deer importation, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has promulgated rules prohibiting the importation of deer and elk into Louisiana, and

WHEREAS, without an explicit prohibition against the possession of illegally imported deer, and a requirement to maintain adequate documentation of the source of captive deer, the effectiveness of the importation rule may be limited, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the attached Declaration of Emergency prohibiting possession of illegally imported deer, and requiring documentation of the source of captive deer,

are adopted by the Louisiana Wildlife and Fisheries Commission.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R. S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule.

This rule is effective September 5, 2002 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The reasons for the promulgation of this Declaration of Emergency are as follows:

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal is infected until it exhibits symptoms) is at least 18 months and may be as long as 3-5 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes. There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. These movements are often from state to state. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are dispersed across the United States. Accurate and verifiable

records of where animals have been, and what animals they have been in contact with, are seldom available. In some states, including Louisiana, captive deer and elk may be introduced into large enclosures containing wild deer. Once introduced into large, often heavily vegetated enclosures, the animals usually cannot be monitored or re-captured. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Agriculture and Forestry has licensed approximately 120 alternative livestock farms that average about 12 acres in size and contain an average of about 10 - 20 deer each. In addition, 15 supplemented hunting preserves that are at least 300 acres each are licensed by LDAF. These supplemented hunting preserve enclosures may contain both released deer and native wild deer. The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. The deer and elk farming industry in Louisiana is small, and as a whole, not highly dependent on imported deer. In 2000, the LDAF issued only 10 importation permits involving 57 deer.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The 1996 *National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to effectively contain and monitor a CWD outbreak. By way of example, the Governor of Wisconsin has estimated that \$22,000,000 will be needed to address the CWD outbreak in that state. The Colorado Division of Wildlife requested \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer

populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374-square mile area for testing. In Colorado, the Division of Wildlife is killing as many deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states, including Texas, Mississippi, and Arkansas. Other states have developed rules that require that imported deer and elk must originate from herds that have been certified free of CWD for at least 5 years. However, because few, if any, herds in the United States can meet that standard, this rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, unless there is an explicit prohibition against the possession of illegally imported deer, and a requirement to maintain adequate documentation of the source of the deer, the effectiveness of the importation rules may be limited. This puts Louisiana's wild deer herd at increased risk for introduction of CWD. Introduction of CWD into Louisiana could have wide-ranging and significant negative impacts on the state's wild

deer resources and economy. For these reasons and those outlined above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on possession of illegally imported deer and a requirement to maintain documentation of the source of captive deer is warranted.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§117. Deer and Elk Importation

A. Definitions

Elk or red deer - any animal of the species Cervus elaphus.

Mule deer or black-tailed deer - any animal of the species Odocoileus hemionus.

White-tailed deer - any animal of the species Odocoileus virginianus.

B. No person shall import, transport or cause to be imported or transported live white-tailed deer, mule deer, or black-tailed deer (hereinafter "deer"), into or through the State of Louisiana. No person shall import, transport or cause to be imported or transported, live elk or red deer (hereinafter "elk") into or through Louisiana in violation of any Imposition of Quarantine by the Louisiana Livestock Sanitary Board. Any person transporting deer or elk between licensed facilities within the state must notify the Department of Wildlife and Fisheries and provide information as required by the Department prior to departure from the source facility and again upon arrival at the destination facility. A transport identification number will be issued upon providing the required information prior to departure. Transport of deer or elk between licensed facilities without a valid transport identification number is prohibited. Notification must be made to the Enforcement Division at 1-800-442-2511. All deer or elk imported or transported into or through this state in violation of the provisions of this ban shall be seized and disposed of in

accordance with LWFC and Department of Wildlife and Fisheries rules and regulations.

C. No person shall receive or possess deer or elk imported or transported in violation of this rule. Any person accepting delivery or taking possession of deer or elk from another person has a duty to review and maintain bills of sale, bills of lading, invoices, and all other documents which indicate the source of the deer or elk.

D. This rule shall be in effect until May 30, 2005.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:1140 (June 1998), repromulgated LR 24:1325 (July 1998), amended LR 28: .

Thomas M. Gattle, Jr.
Chairman

Next item for Mr. Fred Kimmel was a **Resolution, Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition**. The proposed action will place a moratorium on the issuance of any new game breeders license for deer. This Department issues licenses for people who want to keep white-tailed deer for non-commercial purposes. Currently there are about 105 active licenses. The Department of Agriculture and Forestry (LDAF) issues licenses for deer that are kept for commercial purposes and there are currently about 135-140 holders. The proposed rule will grandfather existing Department of Wildlife and Fisheries licenses, will allow for license transfer within immediate family provided the pen stays in the same location, has a cut off date of October 4 for applying for the license, and it makes it mandatory that any deer that dies in these pens must be reported to the Wildlife Division within 48 hours of its death. The reasons for the Declaration of Emergency are the possibility that Chronic Wasting Disease (CWD) positive deer may have been imported into Louisiana prior to the ban. A second reason is the importation of CWD positive deer into Louisiana in violation of the ban. The last reason for this rule is the potential threat of CWD to wild deer with each new deer pen established and licensed. Mr. Kimmel emphasized there is no reason to believe there is CWD in this State

at this time, but added they have not tested for it to any great extent. Commissioner Denmon asked how long would the Notice of Intent be in effect? Mr. Kimmel stated the Declaration of Emergency would be effective that day and the Notice of Intent would make it permanent in 120 days. Commissioner Denmon then asked about the October 4 date. Mr. Kimmel stated that date was more for someone who has already started the process. Commissioner Stone thought it was interesting that you had to kill the animal before it could be tested. Mr. Kimmel agreed and added that this was a very difficult disease to manage. Chairman Gattle asked how was the LDAF handling this situation? Mr. Kimmel stated they will test any dead deer that occurs in one of their pens and will continue doing surveillance work. Chairman Gattle asked if LDAF were stopping their issuance of permits and Mr. Kimmel answered no. He added that the next item addresses that issue.

Mr. Phil Bowman stated a meeting in the Governor's Office was held with Department staff and Commissioner Bob Odom to discuss the handling of 44 deer recently brought into the State. Both departments agreed that the remainder of those 44 deer will be tested for CWD and there would be no more importation of deer into Louisiana until a public hearing is held and there is a certified CWD disease free herd. One issue that was not agreed upon was the continued growth of the Alternative Livestock operations. Mr. Bowman added that he talked with the Wildlife Director in Minnesota which is the latest state where CWD has occurred and was told how they are tracing the infected elk. Again he felt there should be no more permits issued for Alternative Livestock and curtail the intrastate movement of deer and elk in Louisiana. If CWD is ever found in Louisiana, Mr. Bowman felt it would change the way the Department and the State does business. The Department feels very strongly that the moratorium should be abided by everyone in the State.

Commissioner Kelly made a motion to adopt the Resolution and it was seconded by Commissioner Stone. Commissioner Denmon asked if a game breeder should save the carcass besides reporting an animal's death within 48 hours? Mr. Kimmel stated they would provide information to the game breeders on the best way to preserve that portion of the carcass that was needed for testing or additional language such as report all deaths of deer and save carcass according to Wildlife Division instructions could be added to the Notice of Intent. Chairman Gattle asked the proper procedure to get the new language included. Mr. Don Puckett

suggested withdrawing the previous motion, make a substitute motion to amend the Declaration of Emergency and Notice of Intent and then make a new motion to adopt the proposed rules as amended. Commissioner Kelly withdrew his original motion. Commissioner Denmon made a motion to amend the language on the proposed rules. Commission Stone seconded the motion and it passed with no opposition. Chairman Gattle then asked if there were any public comments on the amended Declaration of Emergency and Notice of Intent. Hearing none, Commissioner Stone made a motion to adopt the Resolution. Commissioner Sagrera seconded the motion and it passed unanimously.

(The full text of the Resolution, Declaration of Emergency and Notice of Intent are made a part of the record.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and

WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and

WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and

WHEREAS, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and

WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and

WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 29 states, including Louisiana, have placed a moratorium on deer importation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries is authorized to issue game breeder licenses for deer in accordance with Louisiana Wildlife and Fisheries Commission rules, and

WHEREAS, continued proliferation and expansion of deer pens into new areas of Louisiana places the health of wild deer herds at risk, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the attached Declaration of Emergency and Notice of Intent prohibiting the issuance of new game breeder licenses for deer are adopted by the Louisiana Wildlife and Fisheries Commission.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule.

This rule is effective September 5, 2002 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The reasons for the promulgation of this Declaration of Emergency are as follows:

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it

is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal is infected until it exhibits symptoms) is at least 18 months and may be as long as 3-5 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes. There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are dispersed across the United States. Accurate and verifiable records of where animals have been, and what animals they have been in contact with, are seldom available. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. These game breeders are usually small, non-commercial operations that keep deer for exhibit or pets. The Louisiana Department of

Agriculture and Forestry licenses commercial deer and elk facilities. The deer and elk farming industry in Louisiana is relatively small.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The 1996 *National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to effectively contain and monitor a CWD outbreak. By way of example, the Governor of Wisconsin has estimated that approximately \$22,000,000 will be needed over the next 3 years to address the CWD outbreak in that state. The Colorado Division of Wildlife has requested an additional \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374 square mile area. In Colorado, the Division of Wildlife is killing as many

deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states including Texas, Arkansas, and Mississippi. Other states have developed rules that require that imported deer and elk originate from herds that have been certified free of CWD for at least 5 years. However, because few, if any, herds in the United States can meet that standard, this rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, CWD infected animals could have entered Louisiana prior to this action, or may have been imported in violation of this action. Continued issuance of new game breeder licenses for deer increases the potential exposure of wild deer to CWD. Allowing captive deer herds to proliferate and expand into new areas of Louisiana increases the opportunity for unwanted contact between wild and captive deer. In the event of a CWD outbreak in Louisiana, the presence of captive deer could hinder CWD control and eradication efforts. For these reasons and those outlined above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on the issuance of new game breeder licenses for deer is warranted. This prohibition will remain in effect until no longer necessary.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. * * *

8. White-tailed Deer or Other North American Deer

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife, son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

ab. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

bc. Single Animal: 5000 square feet paddock or corral (For example: 50 feet wide x 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

cd. Materials: Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.

e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division office within 48 hours of the time of death and preserve the carcass as instructed by the Wildlife Division, but are encouraged to report the death sooner if possible.

B.9. - C.5. * * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29: .

Thomas M. Gattle, Jr.
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the section on white-tailed deer within the Game Breeder's License rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. * * *

8. WHITETAIL DEER OR OTHER NORTH AMERICAN DEER

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife, son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location.

Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

ab. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

bc. Single Animal: 5000 square feet paddock or corral (For example: 50 feet wide x 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

cd. Materials: - Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.

e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division office within 48 hours of the time of death and preserve the carcass as instructed by the Wildlife Division, but are encouraged to report the death sooner if possible.

B.9. - C.5. * * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29: .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to .

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

Mr. Fred Kimmel's last item was a **Resolution - Requesting Moratorium on Alternative Livestock Licenses**. The resolution will urge and request the Department of Agriculture and Forestry (LDAF) to place a moratorium on the issuance of new Alternative Livestock licenses for deer and elk. This will follow suit with the action by the Commission for game breeder's. The reason for this will limit any further contact between wild deer and domesticated deer. Mr. Kimmel felt both agencies needed to cooperate in the moratorium. The LDAF will monitor deer pens for CWD and the Department of Wildlife and Fisheries will do the same with wild deer as well as some captive deer. Problems with CWD is its long incubation period and the need to kill an animal to test it. Commissioner Stone asked if the disease was grossly recognizable on the brain or was it microscopic? Mr. Kimmel stated it was microscopic and involved taking the sample from a small portion of the brain stem. Chairman Gattle asked Mr. Kimmel to read the Therefore Be It Resolved portion of the Resolution. Then the Chairman commented he received a call from Mr. Buck Vandersteen with the Louisiana Forestry Association and noted they were very interested in doing everything possible to prevent the spread of CWD. Mr. Tommy Prickett stated staff will sample between 400-500 deer from WMAs and DMAP clubs this year and if there are no positives, it still can not be said that the disease is not here in Louisiana. LSU is helping the Department determine a number of deer and where those deer should come from to have a valid sample at a confident level to be able to say that disease is not in Louisiana. Mr. Prickett added that many states are placing bans not only on moving live deer but also on moving carcasses of both deer and elk. With no public comments being heard, Commissioner Kelly made a motion to adopt the Resolution and it was seconded by Commissioner Stone. The motion unanimously passed.

Secretary Jenkins stated he read a letter to the Editor from a Lafayette newspaper that asked why the Department of Wildlife and Fisheries did not stop the importation of the deer. He knew that this Department would receive some of the blame, but noted they

have been trying to get the LDAF current on CWD. The problem between the 2 agencies began 5 years ago with this Department opposing the high fence operations. All but 2 of the CWD cases have come from pen operations and this was the reason for concern 5 years ago. Secretary Jenkins still felt the authority for wild deer whether in a pen or outside of a pen should be with the Department of Wildlife and Fisheries.

(The full text of the Resolution is made a part of the record.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in ten states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and

WHEREAS, although the Louisiana Department of Wildlife and Fisheries and Louisiana Department of Agriculture and Forestry has licensed approximately 250 captive deer or elk enclosures of various types, the deer and elk industry in Louisiana is relatively small, and

WHEREAS, in contrast, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and

WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and

WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 29 states, including Louisiana, have placed a moratorium on deer importation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries is authorized to issue game breeder licenses for deer in accordance with Louisiana Wildlife and Fisheries Commission rules and the Louisiana Department of Agriculture and Forestry is authorized to issue alternative livestock licenses for farm-raised deer and elk, and

WHEREAS, continued proliferation and expansion of deer pens into new areas of Louisiana places the health of wild deer herds at risk, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has promulgated a Declaration of Emergency and accompanying Notice of Intent prohibiting the issuance of new game breeder licenses for deer, and

WHEREAS, captive deer enclosures may still expand into new areas of Louisiana if licensing of new deer farms by the Louisiana Department of Agriculture and Forestry continues, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the Louisiana Wildlife and Fisheries Commission urges and requests that the Louisiana Commissioner of Agriculture and the Louisiana Department of Agriculture and Forestry place a moratorium on the issuance of new alternative livestock licenses for deer and elk.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

Public Comments - 2003 Turkey Season and none were heard.

Rule Ratification - Alligator Tag Fee was presented by Mr. Brandt Savoie. He began stating the public comment period to change the alligator tag fee has expired and now was the time to ratify the Rule. Mr. Savoie reminded the Commission a Notice of Intent to reduce the tag fee by \$1 was adopted on April 4 even after hearing comments from 4 people at the meeting in opposition. Then on June 6, Commissioner Sagrera brought the issue back before the Commission to drop the fee an additional dollar. There were 3 people that spoke in favor of that reduction and 2 that spoke in opposition. Mr. Savoie commented the Department was not in support of a \$2 suspension, but would support the \$1 suspension. The Commission amended the Notice of Intent to suspend the tag fee by \$2. Since then, no additional comments have been received. So, the proposed rule now suspends \$2 of the \$4 tag fee for a period of 2 years. The intent was to reduce the balance in the Alligator Resource Fund to \$1.5 million. According to staff's calculation, by July 2004, the balance in the Fund will be \$1.1 million. Mr. Savoie then asked the Commission to pass a motion ratifying the rule, if it was their intent. Chairman Gattle asked Mr. Savoie to explain the goal of \$1.5 million balance. Commissioner Kelly commented the Commission could readdress the issue any time within the 2 year period. Mr. Savoie reiterated that if no action was taken within the 2 years, the fee automatically goes back to \$4. No public comments were heard. Commissioner Kelly made a motion to ratify the Rule. Commissioner Stone seconded the motion and it passed with no opposition.

(The full text of the Rule is made a part of the record.)

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby suspend a portion of the alligator tag fee.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. - 3. ***

4. Licenses, Permits and Fees

a. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

* * *

xi. \$4 for each alligator hide tag; provided however, that this Commission does hereby suspend the collection of \$2 of the \$4 tag fee. This suspension shall commence in September 2002 and continue for a period of 2 years or until such time this Commission takes further action, whichever occurs first.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28: (September 2002).

Thomas M. Gattle, Jr.
Chairman

Amendment to Regulations on Proposed Rule - Coastwide Nutria Control Program was also handled by Mr. Brandt Savoie. This was a request to amend the Notice of Intent for the Coastwide Nutria Control Program. In the process of completing an Environmental Impact Statement, several agencies voiced concern over bald eagles ingesting lead from nutria carcasses left in the marsh. The U.S. Fish and Wildlife Service had the biggest concern with the issue. Language to be added to the Notice of Intent was then read by Mr. Savoie. He then stated there is very little chance of a bird dying from lead poisoning. The U.S. Fish and Wildlife Service has signed off on this additional language. Mr. Savoie then asked the Commission for a motion to accept the amendment to the Notice of Intent. Commissioner Stone asked why was this change needed? Mr. Phil Bowman stated the U.S. Fish and Wildlife Service and the Department are responsible for threatened and endangered species and the bald eagle falls in this category. He noted one of the regulations in the original Notice of Intent only allows people to take nutria with nontoxic shot. Both agencies agreed the risk of an eagle picking up lead shot is very minimal. So, out of an abundance of caution this language was needed to make the program as effective as possible. Mr. Bowman asked for a favorable motion to the amendment. Chairman Gattle hoped the amendment involved opening north Louisiana for a season. Then he asked for a definition of "heavy overhead vegetation". Commissioner Kelly commented some of the areas to be hunted in the marsh are the best places to bury the carcasses. Mr. Savoie felt the intent of that was to remove it from the surface of the area, so if the carcass was buried that would be sufficient. Mr. Bowman felt the vast majority of animals taken in this program would be harvested and the hides utilized. This amendment was a negotiated agreement with the U.S. Fish and Wildlife Service and felt it would not affect the effectiveness of the program or deter people from participating. Chairman Gattle asked for public comments and none were made. He then asked Mr. Savoie and Mr. Bowman if they thought the language

could be administered the way it was written? Both answered yes. Commissioner Stone stated this amendment makes it hard for someone to have a nutria without getting into trouble. He also added that it would kill a lot of the program if enforced. Commissioner Stone appealed to everyone's sense of reasonability. Commissioner Denmon asked Commissioner Stone if he would agree to changing the language to "participants are required to remove the carcasses from the trapping area or they must be placed in such a manner to prohibit feeding"? Commissioner Stone thought it might help. Mr. Savoie suggested adding "or" between the first two sentences and make it one sentence. If this was not included in the Notice of Intent, a full consultation with the U.S. Fish and Wildlife Service may be required and the Service would determine whether we be allowed to have a take. Commissioner Stone asked why not leave the decision of what is reasonable on disposing of a carcass up to the Service. Mr. Savoie stated he felt the language did leave the door open for interpretation. Mr. Bowman stated they have looked at the distribution of eagle nests and nutria in south Louisiana and found there is a tremendous amount of overlap. By using Federal funds, he felt the Department should handle the issues the U.S. Fish and Wildlife Service brings to them. Commissioner Denmon made a motion to adopt the language by removing the period after the first sentence and adding the word "or" between the two sentences. Commissioner Kelly seconded the motion. The motion passed with opposition from Commissioner Stone.

(The full text of the Amended Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby advertise its intent to establish a coastwide nutria control program.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§123. Coastwide Nutria Control Program

The Department of Wildlife and Fisheries does hereby establish regulations governing participation in the coastwide nutria control program. The administrative responsibility for this program shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. The coastwide nutria control program objective is to provide economic incentive, by payment of \$4 per nutria tail to participants, to encourage the harvest of up to 400,000 nutria annually from coastal Louisiana. For the purpose of this program, coastal Louisiana is bounded on the north by Interstate 10 from the Louisiana-Texas line to Baton Rouge, Interstate 12 from Baton Rouge to Slidell, and Interstate 10 to the Louisiana-Mississippi line.

2. Participant Application Process

a. Participants must acquire a valid Louisiana trapping license.

b. Participants must submit a completed nutria control program participant application to the department or its contractor.

c. To be considered complete, the application must contain the following information: name, address, telephone number, social security number, and trapping license number of applicant; tax receipt and a description of property to be trapped/hunted (acres, parish, township, range, section); name, address, and telephone number of landowner (private or public); signature of participant; and signature of landowner or designated representative indicating permission to hunt or trap nutria on the described property.

d. For applications determined to be complete and valid, the participant will be notified by mail that his/her registration is finalized and a nutria control program registration number will be issued.

e. The participant must indicate if an assistant will be delivering tails on his behalf to a collection center and the participant must provide the name of the assistant(s) on the application.

f. Applications submitted to the department or its contractor by October 1 shall be processed by the opening of trapping season. Applications submitted to the department or its contractor after October 1 shall be processed in the order received.

g. Applications listing only waterbodies, without signature of an adjacent landowner or designated representative, shall be considered incomplete.

h. Applications determined to be incomplete or invalid will be returned to the applicant with an explanation as to why registration could not be finalized.

3. Harvest of Nutria

a. Participants must possess a valid trapping license and a nutria control program registration number.

b. Only nutria harvested during the open trapping season can be included in this program.

c. Nutria may be taken by any legal method except that if taken with a shotgun, steel shot must be used.

d. Participants are required to remove carcasses from the trapping/hunting area or if carcasses are not sold whole, they must be placed in such a manner as to prohibit feeding on the carcasses by birds, including southern bald eagles. Carcasses may be buried, placed in heavy overhead vegetation or concealed by any other means necessary to prevent consumption by birds.

4. Collection of Nutria Tails for Payment

a. Collection stations will be established across coastal Louisiana by the department or its contractor.

b. Evidence of nutria harvested shall be in the form of delivering severed nutria tails to a collection station during a designated period. Collections will begin on or about November 20th. Specific dates and times of collections will be established and advertised for each station.

c. Participant or a designated assistant must present the nutria control registration number and proper identification to the department contractor.

d. Participant or designated assistant shall present to the department contractor only fresh or well-preserved (iced, frozen, salted) nutria tails in a manner that allows counting of individual tails (e.g., tails cannot be frozen together in a block). Only whole tails, greater than 7 inches in length will be accepted.

e. Participant shall declare parish, section, township, and range where animals were taken and indicate method of take and carcass use.

f. Participant shall sign the receipt/voucher provided by the department contractor to acknowledge number of tails presented and accuracy of information provided.

5. Violation of any part of these regulations is a class 2 violation and conviction may result in disqualification from the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Brandt Savoie, Fur & Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Monday, August 5, 2002.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

Rule Ratification on Cypress Lake & Black Bayou Reservoir Netting Prohibition was presented by Mr. Gary Tilyou. This item was considered and approved at the April Meeting. The proposal will ban netting on Cypress Lake/Black Bayou complex in Bossier Parish. The Cypress/Black Bayou Recreation and Water Conservation District asked that the banning be implemented. The commercial fishery in the lake can still be taken by other methods. Mr. Tilyou asked the Commission to ratify the rule. Chairman Gattle asked if comments were received and Mr. Tilyou answered they have not received any. Hearing no questions or comments, Commissioner Sagrera made a motion to adopt the Rule. Commissioner Kelly seconded the motion and it passed with no opposition.

(The full text of the Rule is made a part of the record.)

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby establishes the following rule on commercial netting in Cypress Lake and Black Bayou Reservoir in Bossier Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§195. Cypress Lake and Black Bayou Reservoir Netting Prohibition

The Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, and fish seines in Cypress Lake and Black Bayou Reservoir, Bossier Parish, Louisiana.

Effective with this prohibition, no person shall possess any gill net, trammel net or fish seine while on the waters of Cypress Lake or Black Bayou Reservoir. In addition, no person shall take,

possess or sell any fish, which was taken with a gill net, trammel net or fish seine from Cypress Lake or Black Bayou Reservoir.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

Thomas M. Gattle, Jr.
Chairman

Then Mr. Gary Tilyou handled a **Notice of Intent - Paddlefish - Special Fishing Season**. He began stating the Inland Fisheries biologists support a very limited fishery for paddlefish. Several dates on a timeline on what has happened with the paddlefish was discussed. In 1986, paddlefish carcasses were found in dumpsters and so the fishery was closed for 3 years. After the 3 years, the Commission approved leaving the season closed indefinitely. During this time, all types of information have been gained on paddlefish including producing 1.5 million fingerlings which have been stocked in Louisiana and elsewhere in the country. In 1998, CITES listed the paddlefish in Appendix 2 which prohibits the trade across the country. Now samples are showing paddlefish over 30 pounds and biologists feel the population is stable. Fishermen using gill nets have requested they be allowed to take paddlefish caught in their nets home with them during the summer months. Also there has been a request for a very limited recreational fishery. Mr. Tilyou then stated the regulations included season dates of June 1 through September 30; no size restrictions on recreational take; commercial size limits are restricted to not less than 15 pounds; no activities on paddlefish shall occur during the closed season; fish houses will be given one month to rid their supply of paddlefish; recreational daily take shall be 5; and commercial take shall be incidental only. Commissioner Kelly stated while working Cote Blanche Bay during the shrimp season, a number of paddlefish of various sizes were captured in the trawls. He then asked how would this be handled? Lt. Col. Charlie Clark stated that would be an illegal catch. This program is intended to open the fishery to 3x6 gill net fishermen to take rough fish. In the areas trawls are used, gill nets are prohibited. Commissioner Kelly stated he was not in favor of taking the paddlefish by trawls. Mr. Tilyou asked if the paddlefish were dead, and Commissioner Kelly answered sometimes. Mr. Tilyou asked that they be thrown back. Chairman Gattle asked if the 3x6 gill net was legal commercial gear? Mr. Tilyou reminded the Commission the minimum size restriction would apply no matter where the paddlefish was caught. He suggested

adding more language that "Nothing in this section shall permit the incidental take of paddlefish by trawls". Commissioner Stone suggested taking this item up again next month. Chairman Gattle agreed with Commissioner Stone and felt there were holes that needed filling. Commissioner Feltermann asked if this was the original Notice of Intent and Mr. Tilyou answered yes. Commissioner Stone asked if this would flair gill nets up again? Mr. Tilyou stated this would apply only to freshwater areas and not saltwater. Commissioner Denmon asked if the time schedule was critical? Mr. Tilyou stated no and added that the rule would not become effective until June. Chairman Gattle asked what are the rules for border waters? He then asked for public comments and none were heard. A motion for adoption of the Notice of Intent was asked and none was made. Chairman Gattle then recommended bringing it back to the Commission with more information.

Presentation by Oyster Task Force on Department of Natural Resource's Oyster Lease Renewal Recommendations was handled by Mr. Ralph Pausina, Chairman of the Coastal Restoration Committee and a member of the Oyster Task Force. The presentation was two-fold, one to give information and the other was to make a request. At the end of last month, Governor Foster announced Shell Oil Company and McIlhenny were donating monies to educate people on the importance of Louisiana's wetlands. This is part of Louisiana's Wetland Campaign which was designed to bring attention to the coastal loss and to attract money from private and public sources to pay for projects to stop the encroachment of the Gulf of Mexico. Also the Governor announced that the cost to restore and replant the Barrier Islands is expected to be \$14 billion; but, if nothing was done on this area, the cost could be \$100 billion. The oyster industry has begun a similar approach to educate the public. Mr. Pausina then stated he was there to voice recommendations on the Department of Natural Resources' 2003 Oyster Lease Renewals. He assured the Commission the Oyster Task Force and the oyster industry were trying to restore coastal Louisiana. Also, that group was responsible for the first and most of the existing river diversion structures. These restoration projects are what has made the oyster industry what it is today. One of the major difficulties for the industry is those in charge of regulations are not fully aware of the nature of the operations. Mr. Pausina then read from a Department of Natural Resources letter to the Oyster Task Force. Going on, he then stated the industry feels an oyster lease never expires, it is issued in perpetuity as long as it produces oysters. All leases are renewed at 15 year intervals for the purpose of resurveying to maintain control, accuracy and for

the settlement of disputes. The Oyster Task Force's position has always been it is unnecessary and unfair to punish a lease holder simply because that lease comes up for renewal when other lease holders continue to participate in any relocation or similar program. They asked that the recommendation for non-renewals not be utilized without participation in a relocation-type program. The Task Force will recommend to DNR that all leases be renewed for some term. Proposed legislation allowing the state to use federally accepted condemnation procedures to address unusual circumstances is being drafted by DNR and the Task Force. Mr. Pausina then requested the Commission pass a resolution stating that all leases up for renewal in January 1, 2003 be renewed. Commissioner Kelly asked for the Department's input on this issue since he did not have enough information to make a decision.

Ms. Cheryl Brodnax with the Department of Natural Resources, stated Act 439 was established 2 years ago that created the procedure to reach a common ground on the lease renewals. A recommendation has been presented to the industry and Department of Wildlife and Fisheries and they have until September 30 to make comments. If the industry feels their requests are not reached to their satisfaction, a joint legislative oversight hearing can be held. Ms. Brodnax stated DNR has not received a formal request from the industry on the issues presented.

Mr. John Roussel stated there is a process that has to be followed and the recommendations received from DNR is the first step in this process. He then added that the initial recommendations have been received and the Department is in the process of reviewing them. The action on the actual renewals take place in late November. Commissioner Stone asked, if the leases are renewed, will there be a disclaimer included for damages. Mr. Roussel stated all new leases and renewed leases since 1988 include hold harmless language. Commissioner Stone then asked how did a lawsuit come into being if a disclaimer has been in the language? Mr. Don Puckett stated the judge ruled that the disclaimer clause was unconstitutional. Commissioner Stone stated no action should be taken until the disclaimer issue was corrected.

Mr. Pausina stated the industry has accepted a disclaimer and it was called a relocation plan. He then stated if the State would follow the plan, there would be no problem. The majority in the oyster industry, wants this problem straightened out. Again Mr. Pausina asked that all leases that DNR are recommending not be renewed, be renewed and be a part of the relocation plan. He then

asked the Commission, which is part of the Department of Wildlife and Fisheries, whether they support the industry or not? Chairman Gattle felt there should be some statute of limitation.


Mr. Mitch Jurisich, representing the Louisiana Oyster Dealers and Growers and a representative of a majority of the oyster farmers in Plaquemines Parish, stated they support Mr. Pausina. He stated he participated in the Davis Pond Relocation Program and it did work well. He asked that the program be implemented by renewing the leases with the relocation plan included. Commissioner Stone stated if 100 percent participation for relocating was obtained, you may have a chance. But there will be people who want their lease renewed but not relocated. Mr. Jurisich stated he wanted to stay in the industry and the only way to move forward is to be assured that he would not be pushed aside. Commissioner Stone asked what happened to the relocation program. Mr. Roussel stated there is an existing statute that sets up a relocation program and that DNR has established some implementing regulations. The only project that has had the money to fund a relocation program has been the Davis Pond Project. Coastal restoration in Louisiana is more than just one project. Mr. Roussel added that there are no other funds available to implement a similar program for other restoration projects that impact the oyster leases. Commissioner Stone felt the oyster industry should go to the Legislature to get funding. Mr. Jurisich stated the problem they are faced with are the 34 out of 850 non-renewals coming up in January 2003. Those non-renewals may result in future litigation. Commissioner Stone stated the Commission was trying to find a way to protect the State. Mr. Jurisich stated he understood the Commission's position, but he wanted to protect his livelihood. Commissioner Stone asked if their legal counsel has looked into having a user agreement without owning the lease. Mr. Puckett stated the statute sets out how the areas are to be used and that was by a lease. Commissioner Stone asked if the statute could be changed through the Legislature? Mr. Puckett stated what needs to occur is for the courts to uphold the constitutionality and then it can fall into place. Commissioner Felterman felt the Department was in favor of helping the industry, but needed someone to tell them how it can be done without further litigation. Chairman Gattle asked Mr. Roussel what was the November date he spoke of? Mr. Roussel stated by late November the Department actually sends official notice to leaseholders on what will be the Department's intent. Chairman Gattle stated they would wait to hear from the Department. Mr. Jurisich stated he was seeing a positive move and expressed appreciation for the Commission's efforts.

Mr. Dennis Pixen, a member of the Oyster Task Force and an oyster farmer, stated it was important to realize the relocation program was not available for the fishermen in the Caernarvon area. He added he is not part of any lawsuits and noted some lawsuits he did not agree with. Mr. Pixen was afraid that his 3 year old son would not have the opportunity to learn the oyster business. He hoped the Commission would feel for the oyster industry and try to help. Chairman Gattle stated they will continue to monitor the situation.

The Commissioners agreed to hold the **January 2003 Meeting** on Tuesday, January 7, 2003 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Gattle then asked for any **Public Comments** and none were heard.

There being no further business, Commissioner Kelly made a motion to **Adjourn** the meeting and it was seconded by Commissioner Denmon.



James H. Jenkins, Jr.
Secretary

JHJ:sch

9/16/2002

Marianne,
Please review
attached.

Thanks,
Susan
Hawkins

9/17/02
MB

MINUTES OF THE MEETING

OF

WILDLIFE AND FISHERIES COMMISSION

Thursday, September 5, 2002

Gattle, Jr. presiding.

Terry Denmon
Lee Felterman
Tom Kelly
Wayne Sagrera
Jerry Stone

Secretary James H. Jenkins, Jr. was also present.

Commissioner Bill Busbice was absent from the meeting.

Chairman Gattle called for a motion for approval of the **August 1, 2002 Commission Minutes**. A motion for approval was made by Commissioner Felterman and seconded by Commissioner Sagrera. The motion passed with no opposition.

The **Monthly Law Enforcement Report for August** was given by Major Keith LaCaze. The following numbers of citations were issued during August.

Region I - Minden - 82 citations and 11 warnings.

Region II - Monroe - 69 citations and 8 warnings.

Region III - Alexandria - 134 citations and 9 warnings.

Region IV - Ferriday - 43 citations and 2 warnings.

Region V - Lake Charles - 207 citations and 4 warnings.

Region VI - Opelousas - 251 citations and 13 warnings.

Region VII - Baton Rouge - 181 citations and 13 warnings.

Region VIII - New Orleans - 218 citations and 17 warnings.

Region IX - Schriever - 130 citations and 9 warnings.

Oyster Strike Force - 18 citations.

SWEP - 11 citations and 1 warning.

Refuge Patrol - 30 citations and 3 warnings.

Seafood Investigation Unit - 4 citations.

The grand total of citations issued statewide for the month of August was 1,378. Also there were 90 warning citations issued statewide.

The aviation report for August 2002 showed enforcement pilots flew three airplanes a total of 96.1 hours for enforcement and 11.0 hours for other divisions. Ten citations were issued.

Mr. Phil Bowman handled the next agenda item, an **Approval of Atchafalaya Delta WMA Lease Renewal**. The Department entered into a lease about 25 years ago with the Office of State Lands for the area known as the Atchafalaya Delta WMA. This area has an emerging delta and it has been managed to enhance wetlands and wildlife. Mr. Bowman then explained why this area is important to wildlife stating that as many as 250,000 birds winter on this area and over 40,000 have utilized the WMA in recent years. Houseboat permits have recently been issued and now there are currently over 75 permits issued. During the 2001 fall teal season, about 1800 teal were taken with 95 percent being blue-winged teal. During the regular waterfowl season, about 13,000 birds were harvested by 4,400 hunter efforts. He then noted there is a good deer resource on the big island. This fall there will be a youth hunt for deer on the WMA. Other birds utilize the area such as skimmers and terns, roseate spoonbills, brown pelicans, white pelicans and geese. Mr. Bowman then asked the Commission to confirm and ratify a new 25 year lease for Atchafalaya Delta WMA. He read the Therefore Be It Resolved portion of the Resolution. Chairman Gattle asked Mr. Bowman to explain the mineral leases on the WMA. Mr. Bowman stated there are a number of mineral leases and the Department has been working with the oil and gas companies in doing their work in an environmentally sensitive manner. He added there will be a number of advertisements for leases in the upcoming months. Chairman Gattle then asked for public comments.

Mr. Carl Gremillion, Baton Rouge Sportsman League, asked what was the cost to lease the property? Mr. Bowman stated it was a free lease.

Hearing no further comments, Commissioner Kelly made a motion to adopt the Resolution and it was seconded by Commissioner Sagrera. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

ATCHAFALAYA DELTA WILDLIFE MANAGEMENT AREA
adopted by the
Louisiana Wildlife and Fisheries Commission

September 5, 2002

- WHEREAS, Atchafalaya Bay is a major wintering and staging area for waterfowl and other neo-tropical migrants, and annually attracts hundreds of thousands of ducks and geese, and is also an important fisheries estuary and nursery waters for a wide variety of fish and other aquatic organisms, and
- WHEREAS, Atchafalaya Bay is owned by the state, in trust for the benefit of the citizens of the State, and is a prime waterfowl hunting and fishing area for many of Louisiana's hunters and fishermen, and
- WHEREAS, Atchafalaya Bay is comprised of more than 125,000 acres, the vast majority of which, about 90%, is water bottom, with the rest, or more than 12,000 acres, being land formed by accretion, and
- WHEREAS, since 1977, the entirety of Atchafalaya Bay, both the water bottom and the accreted land, has been actively managed by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission as the Atchafalaya Delta Wildlife Management Area, and
- WHEREAS, in order to ensure that these properties remain perpetually dedicated for the purpose of maintaining such properties as a wildlife management area, the Wildlife

and Fisheries Commission, at its December 6, 2001 meeting passed a resolution confirming that all state owned lands, including water bottoms, located within Atchafalaya Bay, as more particularly described on Exhibit A to that Resolution, were included within a wildlife management area named the Atchafalaya Delta Wildlife Management Area.

WHEREAS, the Wildlife and Fisheries Commission, at its December 6, 2001 meeting authorized and empowered the Secretary of the Department of Wildlife and Fisheries, on behalf of the Commission, to take all actions necessary in furtherance of confirming the establishment the Atchafalaya Delta Wildlife Management Area. Based on this authority, the Secretary and the Chairman of the Commission executed a lease document by and between the Governor of Louisiana, the Commissioner of Administration, the State Land Office, the Department of Natural Resources, the Wildlife and Fisheries Commission, and the Department of Wildlife and Fisheries, which lease document further confirms that the above described area does constitute a wildlife management area. This lease document is attached hereto and made a part hereof.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby approve, ratify, and confirm the above described lease document and the provisions contained therein and the authority of the Secretary of the Department of Wildlife and Fisheries and the Chairman of the Commission to sign the lease document on behalf of the Commission.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

Resolution and Declaration of Emergency - 2002-03 Waterfowl Season began with Mr. Robert Helm stating last month tentative dates were set. The U.S. Fish and Wildlife Service did not make any changes to the framework guidelines. But, staff failed to extend the rail and gallinule seasons to the maximum number of days. The proposed dates for those 2 seasons would extend until January 8, 2003. Quite a few hunter comments were received with a majority being pleased and surprised of having a 60 day, 6 bird bag

limit. Chairman Gattle asked Mr. Helm to read the Therefore Be It Resolved portion of the Resolution. Commissioner Stone asked what were the other states doing with the pintail season? Mr. Helm stated Illinois is the only state that closed the season entirely and the other states are going with a 30 day season. Chairman Gattle asked if any public comments were received from north Louisiana on the goose season? Mr. Helm answered no. The Chairman then asked for public comments.

Mr. Sonny Ourso, Baton Rouge Sportsman League, asked why Louisiana only gets 9 days to hunt Canada Geese when Texas gets a whole year and Mississippi has a longer season as well? Mr. Helm stated Canada Geese are very late migrants and those numbers are very small compared to snows and white-fronted geese. Louisiana has taken a conservative approach to this season since there is a limited resource. Mr. Phil Bowman added there are resident flocks of Canada Geese that stays in Louisiana year round. A recommendation to open a limited season for these birds in south Louisiana was not received well by the public, so no season was set.

Commissioner Denmon made a motion to adopt the Resolution. Commissioner Felterman seconded the motion and it passed with no opposition. Mr. Helm stated there was a colored map of Prairie Canada in the packets which shows they have received quite a bit of rain in the late summer months. This rainfall will be good for next year's nesting season. Commissioner Denmon asked what were the percentages on the map. Mr. Helm stated those were compared to the average.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 5, 2002.

Dec. 14 (Sat.) - Feb. 21 (Fri.) (70 days)
Daily bag limit 8, Possession limit 16

Shooting Hours: one-half hour before sunrise to sunset, except at the Spanish Lake Recreation Area in Iberia Parish where shooting hours, including the Conservation Order, end at 2 p.m.

A Declaration of Emergency is necessary because the U. S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 2002 and extend through sunset on March 9, 2003.

Thomas M. Gattle, Jr.
Chairman

This next item, a **Resolution and Declaration of Emergency - Deer and Elk Importation** was the first to be handled by Mr. Fred Kimmel. This proposed action would amend a Declaration of Emergency adopted by the Commission at their May 2002 meeting which prohibited the importation of deer into Louisiana due to the threat of Chronic Wasting Disease (CWD). The proposal would clarify the duties of the persons that are receiving deer or elk and places a duty on the buyer to maintain documents indicating the source of the animals. The Notice of Intent already in place would reflect the changes when ratified. Mr. Kimmel read the amendments and then read the Therefore Be It Resolved portion of the Resolution. Chairman Gattle asked if this was just an amendment to the original emergency and would it extend the timeframe for ratifying the Notice of Intent? Mr. Kimmel stated it would not extend the timeframe to ratify the rule. Chairman Gattle asked if this would just tighten the regulations for handling of the animals? Mr. Kimmel answered yes. Chairman Gattle asked what was the penalty for violating this proposed rule? Major Keith LaCaze stated it was a Class 2 violation and first offense carries a fine of not less than \$100 and no more than \$350 or imprisonment for not more than 60 days or both; second offense has a fine of not less than \$300 and no more than \$550 and imprisonment for not less than 30 days and not more than 60 days; for the third and all subsequent offenses, the fine shall be not less than \$500 and no more than

\$750 and imprisonment for not less than 60 days nor more than 90 days and forfeiture of anything seized. Chairman Gattle felt this was not a very stiff penalty for what they were trying to accomplish. Commissioner Stone asked if the penalty was per event or per animal? Major LaCaze stated it could be per animal and this could cause the counts to stack up. Mr. Kimmel added the confiscation of the animals was equally important. Commissioner Denmon asked how many people are attempting to or have imported deer? For the year 2000, the Department of Agriculture and Forestry (LDAF) received permit applications from 10 people for 57 animals. There are about 240 people licensed to have deer pens between the LDAF and the Department of Wildlife and Fisheries. Hearing no further comments, Commissioner Felterman made a motion to adopt the Resolution and it was seconded by Commissioner Denmon. The motion passed unanimously.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and

WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and

WHEREAS, there is no live animal test for chronic wasting disease, and

WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and

accordance with LWFC and Department of Wildlife and Fisheries rules and regulations.

C. No person shall receive or possess deer or elk imported or transported in violation of this rule. Any person accepting delivery or taking possession of deer or elk from another person has a duty to review and maintain bills of sale, bills of lading, invoices, and all other documents which indicate the source of the deer or elk.

D. This rule shall be in effect until May 30, 2005.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:1140 (June 1998), repromulgated LR 24:1325 (July 1998), amended LR 28: .

Thomas M. Gattle, Jr.
Chairman

Next item for Mr. Fred Kimmel was a **Resolution, Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition**. The proposed action will place a moratorium on the issuance of any new game breeders license for deer. This Department issues licenses for people who want to keep white-tailed deer for non-commercial purposes. Currently there are about 105 active licenses. The Department of Agriculture and Forestry (LDAF) issues licenses for deer that are kept for commercial purposes and there are currently about 135-140 holders. The proposed rule will grandfather existing Department of Wildlife and Fisheries licenses, will allow for license transfer within immediate family provided the pen stays in the same location, has a cut off date of October 4 for applying for the license, and it makes it mandatory that any deer that dies in these pens must be reported to the Wildlife Division within 48 hours of its death. The reasons for the Declaration of Emergency are the possibility that Chronic Wasting Disease (CWD) positive deer may have been imported into Louisiana prior to the ban. A second reason is the importation of CWD positive deer into Louisiana in violation of the ban. The last reason for this rule is the potential threat of CWD to wild deer with each new deer pen established and licensed. Mr. Kimmel emphasized there is no reason to believe there is CWD in this State

at this time, but added they have not tested for it to any great extent. Commissioner Denmon asked how long would the Notice of Intent be in effect? Mr. Kimmel stated the Declaration of Emergency would be effective that day and the Notice of Intent would make it permanent in 120 days. Commissioner Denmon then asked about the October 4 date. Mr. Kimmel stated that date was more for someone who has already started the process. Commissioner Stone thought it was interesting that you had to kill the animal before it could be tested. Mr. Kimmel agreed and added that this was a very difficult disease to manage. Chairman Gattle asked how was the LDAF handling this situation? Mr. Kimmel stated they will test any dead deer that occurs in one of their pens and will continue doing surveillance work. Chairman Gattle asked if LDAF were stopping their issuance of permits and Mr. Kimmel answered no. He added that the next item addresses that issue.

Mr. Phil Bowman stated a meeting in the Governor's Office was held with Department staff and Commissioner Bob Odom to discuss the handling of 44 deer recently brought into the State. Both departments agreed that the remainder of those 44 deer will be tested for CWD and there would be no more importation of deer into Louisiana until a public hearing is held and there is a certified CWD disease free herd. One issue that was not agreed upon was the continued growth of the Alternative Livestock operations. Mr. Bowman added that he talked with the Wildlife Director in Minnesota which is the latest state where CWD has occurred and was told how they are tracing the infected elk. Again he felt there should be no more permits issued for Alternative Livestock and curtail the intrastate movement of deer and elk in Louisiana. If CWD is ever found in Louisiana, Mr. Bowman felt it would change the way the Department and the State does business. The Department feels very strongly that the moratorium should be abided by everyone in the State.

Commissioner Kelly made a motion to adopt the Resolution and it was seconded by Commissioner Stone. Commissioner Denmon asked if a game breeder should save the carcass besides reporting an animal's death within 48 hours? Mr. Kimmel stated they would provide information to the game breeders on the best way to preserve that portion of the carcass that was needed for testing or additional language such as report all deaths of deer and save carcass according to Wildlife Division instructions could be added to the Notice of Intent. Chairman Gattle asked the proper procedure to get the new language included. Mr. Don Puckett

suggested withdrawing the previous motion, make a substitute motion to amend the Declaration of Emergency and Notice of Intent and then make a new motion to adopt the proposed rules as amended. Commissioner Kelly withdrew his original motion. Commissioner Denmon made a motion to amend the language on the proposed rules. Commission Stone seconded the motion and it passed with no opposition. Chairman Gattle then asked if there were any public comments on the amended Declaration of Emergency and Notice of Intent. Hearing none, Commissioner Stone made a motion to adopt the Resolution. Commissioner Sagrera seconded the motion and it passed unanimously.

(The full text of the Resolution, Declaration of Emergency and Notice of Intent are made a part of the record.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

Mr. Fred Kimmel's last item was a **Resolution - Requesting Moratorium on Alternative Livestock Licenses**. The resolution will urge and request the Department of Agriculture and Forestry (LDAF) to place a moratorium on the issuance of new Alternative Livestock licenses for deer and elk. This will follow suit with the action by the Commission for game breeder's. The reason for this will limit any further contact between wild deer and domesticated deer. Mr. Kimmel felt both agencies needed to cooperate in the moratorium. The LDAF will monitor deer pens for CWD and the Department of Wildlife and Fisheries will do the same with wild deer as well as some captive deer. Problems with CWD is its long incubation period and the need to kill an animal to test it. Commissioner Stone asked if the disease was grossly recognizable on the brain or was it microscopic? Mr. Kimmel stated it was microscopic and involved taking the sample from a small portion of the brain stem. Chairman Gattle asked Mr. Kimmel to read the Therefore Be It Resolved portion of the Resolution. Then the Chairman commented he received a call from Mr. Buck Vandersteen with the Louisiana Forestry Association and noted they were very interested in doing everything possible to prevent the spread of CWD. Mr. Tommy Prickett stated staff will sample between 400-500 deer from WMAs and DMAP clubs this year and if there are no positives, it still can not be said that the disease is not here in Louisiana. LSU is helping the Department determine a number of deer and where those deer should come from to have a valid sample at a confident level to be able to say that disease is not in Louisiana. Mr. Prickett added that many states are placing bans not only on moving live deer but also on moving carcasses of both deer and elk. With no public comments being heard, Commissioner Kelly made a motion to adopt the Resolution and it was seconded by Commissioner Stone. The motion unanimously passed.

Secretary Jenkins stated he read a letter to the Editor from a Lafayette newspaper that asked why the Department of Wildlife and Fisheries did not stop the importation of the deer. He knew that this Department would receive some of the blame, but noted they

have been trying to get the LDAF current on CWD. The problem between the 2 agencies began 5 years ago with this Department opposing the high fence operations. All but 2 of the CWD cases have come from pen operations and this was the reason for concern 5 years ago. Secretary Jenkins still felt the authority for wild deer whether in a pen or outside of a pen should be with the Department of Wildlife and Fisheries.

(The full text of the Resolution is made a part of the record.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in ten states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the Louisiana Wildlife and Fisheries Commission urges and requests that the Louisiana Commissioner of Agriculture and the Louisiana Department of Agriculture and Forestry place a moratorium on the issuance of new alternative livestock licenses for deer and elk.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

Public Comments - 2003 Turkey Season and none were heard.

Rule Ratification - Alligator Tag Fee was presented by Mr. Brandt Savoie. He began stating the public comment period to change the alligator tag fee has expired and now was the time to ratify the Rule. Mr. Savoie reminded the Commission a Notice of Intent to reduce the tag fee by \$1 was adopted on April 4 even after hearing comments from 4 people at the meeting in opposition. Then on June 6, Commissioner Sagrera brought the issue back before the Commission to drop the fee an additional dollar. There were 3 people that spoke in favor of that reduction and 2 that spoke in opposition. Mr. Savoie commented the Department was not in support of a \$2 suspension, but would support the \$1 suspension. The Commission amended the Notice of Intent to suspend the tag fee by \$2. Since then, no additional comments have been received. So, the proposed rule now suspends \$2 of the \$4 tag fee for a period of 2 years. The intent was to reduce the balance in the Alligator Resource Fund to \$1.5 million. According to staff's calculation, by July 2004, the balance in the Fund will be \$1.1 million. Mr. Savoie then asked the Commission to pass a motion ratifying the rule, if it was their intent. Chairman Gattle asked Mr. Savoie to explain the goal of \$1.5 million balance. Commissioner Kelly commented the Commission could readdress the issue any time within the 2 year period. Mr. Savoie reiterated that if no action was taken within the 2 years, the fee automatically goes back to \$4. No public comments were heard. Commissioner Kelly made a motion to ratify the Rule. Commissioner Stone seconded the motion and it passed with no opposition.

(The full text of the Rule is made a part of the record.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28: (September 2002).

Thomas M. Gattle, Jr.
Chairman

Amendment to Regulations on Proposed Rule - Coastwide Nutria Control Program was also handled by Mr. Brandt Savoie. This was a request to amend the Notice of Intent for the Coastwide Nutria Control Program. In the process of completing an Environmental Impact Statement, several agencies voiced concern over bald eagles ingesting lead from nutria carcasses left in the marsh. The U.S. Fish and Wildlife Service had the biggest concern with the issue. Language to be added to the Notice of Intent was then read by Mr. Savoie. He then stated there is very little chance of a bird dying from lead poisoning. The U.S. Fish and Wildlife Service has signed off on this additional language. Mr. Savoie then asked the Commission for a motion to accept the amendment to the Notice of Intent. Commissioner Stone asked why was this change needed? Mr. Phil Bowman stated the U.S. Fish and Wildlife Service and the Department are responsible for threatened and endangered species and the bald eagle falls in this category. He noted one of the regulations in the original Notice of Intent only allows people to take nutria with nontoxic shot. Both agencies agreed the risk of an eagle picking up lead shot is very minimal. So, out of an abundance of caution this language was needed to make the program as effective as possible. Mr. Bowman asked for a favorable motion to the amendment. Chairman Gattle hoped the amendment involved opening north Louisiana for a season. Then he asked for a definition of "heavy overhead vegetation". Commissioner Kelly commented some of the areas to be hunted in the marsh are the best places to bury the carcasses. Mr. Savoie felt the intent of that was to remove it from the surface of the area, so if the carcass was buried that would be sufficient. Mr. Bowman felt the vast majority of animals taken in this program would be harvested and the hides utilized. This amendment was a negotiated agreement with the U.S. Fish and Wildlife Service and felt it would not affect the effectiveness of the program or deter people from participating. Chairman Gattle asked for public comments and none were made. He then asked Mr. Savoie and Mr. Bowman if they thought the language

could be administered the way it was written? Both answered yes. Commissioner Stone stated this amendment makes it hard for someone to have a nutria without getting into trouble. He also added that it would kill a lot of the program if enforced. Commissioner Stone appealed to everyone's sense of reasonability. Commissioner Denmon asked Commissioner Stone if he would agree to changing the language to "participants are required to remove the carcasses from the trapping area or they must be placed in such a manner to prohibit feeding"? Commissioner Stone thought it might help. Mr. Savoie suggested adding "or" between the first two sentences and make it one sentence. If this was not included in the Notice of Intent, a full consultation with the U.S. Fish and Wildlife Service may be required and the Service would determine whether we be allowed to have a take. Commissioner Stone asked why not leave the decision of what is reasonable on disposing of a carcass up to the Service. Mr. Savoie stated he felt the language did leave the door open for interpretation. Mr. Bowman stated they have looked at the distribution of eagle nests and nutria in south Louisiana and found there is a tremendous amount of overlap. By using Federal funds, he felt the Department should handle the issues the U.S. Fish and Wildlife Service brings to them. Commissioner Denmon made a motion to adopt the language by removing the period after the first sentence and adding the word "or" between the two sentences. Commissioner Kelly seconded the motion. The motion passed with opposition from Commissioner Stone.

(The full text of the Amended Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby advertise its intent to establish a coastwide nutria control program.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

Thomas M. Gattle, Jr.
Chairman

Rule Ratification on Cypress Lake & Black Bayou Reservoir Netting Prohibition was presented by Mr. Gary Tilyou. This item was considered and approved at the April Meeting. The proposal will ban netting on Cypress Lake/Black Bayou complex in Bossier Parish. The Cypress/Black Bayou Recreation and Water Conservation District asked that the banning be implemented. The commercial fishery in the lake can still be taken by other methods. Mr. Tilyou asked the Commission to ratify the rule. Chairman Gattle asked if comments were received and Mr. Tilyou answered they have not received any. Hearing no questions or comments, Commissioner Sagrera made a motion to adopt the Rule. Commissioner Kelly seconded the motion and it passed with no opposition.

(The full text of the Rule is made a part of the record.)

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby establishes the following rule on commercial netting in Cypress Lake and Black Bayou Reservoir in Bossier Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§195. Cypress Lake and Black Bayou Reservoir Netting Prohibition

The Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, and fish seines in Cypress Lake and Black Bayou Reservoir, Bossier Parish, Louisiana.

Effective with this prohibition, no person shall possess any gill net, trammel net or fish seine while on the waters of Cypress Lake or Black Bayou Reservoir. In addition, no person shall take,

possess or sell any fish, which was taken with a gill net, trammel net or fish seine from Cypress Lake or Black Bayou Reservoir.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

Thomas M. Gattle, Jr.
Chairman

Then Mr. Gary Tilyou handled a **Notice of Intent - Paddlefish - Special Fishing Season**. He began stating the Inland Fisheries biologists support a very limited fishery for paddlefish. Several dates on a timeline on what has happened with the paddlefish was discussed. In 1986, paddlefish carcasses were found in dumpsters and so the fishery was closed for 3 years. After the 3 years, the Commission approved leaving the season closed indefinitely. During this time, all types of information have been gained on paddlefish including producing 1.5 million fingerlings which have been stocked in Louisiana and elsewhere in the country. In 1998, CITES listed the paddlefish in Appendix 2 which prohibits the trade across the country. Now samples are showing paddlefish over 30 pounds and biologists feel the population is stable. Fishermen using gill nets have requested they be allowed to take paddlefish caught in their nets home with them during the summer months. Also there has been a request for a very limited recreational fishery. Mr. Tilyou then stated the regulations included season dates of June 1 through September 30; no size restrictions on recreational take; commercial size limits are restricted to not less than 15 pounds; no activities on paddlefish shall occur during the closed season; fish houses will be given one month to rid their supply of paddlefish; recreational daily take shall be 5; and commercial take shall be incidental only. Commissioner Kelly stated while working Cote Blanche Bay during the shrimp season, a number of paddlefish of various sizes were captured in the trawls. He then asked how would this be handled? Lt. Col. Charlie Clark stated that would be an illegal catch. This program is intended to open the fishery to 3x6 gill net fishermen to take rough fish. In the areas trawls are used, gill nets are prohibited. Commissioner Kelly stated he was not in favor of taking the paddlefish by trawls. Mr. Tilyou asked if the paddlefish were dead, and Commissioner Kelly answered sometimes. Mr. Tilyou asked that they be thrown back. Chairman Gattle asked if the 3x6 gill net was legal commercial gear? Mr. Tilyou reminded the Commission the minimum size restriction would apply no matter where the paddlefish was caught. He suggested

adding more language that "Nothing in this section shall permit the incidental take of paddlefish by trawls". Commissioner Stone suggested taking this item up again next month. Chairman Gattle agreed with Commissioner Stone and felt there were holes that needed filling. Commissioner Felterman asked if this was the original Notice of Intent and Mr. Tilyou answered yes. Commissioner Stone asked if this would flair gill nets up again? Mr. Tilyou stated this would apply only to freshwater areas and not saltwater. Commissioner Denmon asked if the time schedule was critical? Mr. Tilyou stated no and added that the rule would not become effective until June. Chairman Gattle asked what are the rules for border waters? He then asked for public comments and none were heard. A motion for adoption of the Notice of Intent was asked and none was made. Chairman Gattle then recommended bringing it back to the Commission with more information.

Presentation by Oyster Task Force on Department of Natural Resource's Oyster Lease Renewal Recommendations was handled by Mr. Ralph Pausina, Chairman of the Coastal Restoration Committee and a member of the Oyster Task Force. The presentation was two-fold, one to give information and the other was to make a request. At the end of last month, Governor Foster announced Shell Oil Company and McIlhenny were donating monies to educate people on the importance of Louisiana's wetlands. This is part of Louisiana's Wetland Campaign which was designed to bring attention to the coastal loss and to attract money from private and public sources to pay for projects to stop the encroachment of the Gulf of Mexico. Also the Governor announced that the cost to restore and replant the Barrier Islands is expected to be \$14 billion; but, if nothing was done on this area, the cost could be \$100 billion. The oyster industry has begun a similar approach to educate the public. Mr. Pausina then stated he was there to voice recommendations on the Department of Natural Resources' 2003 Oyster Lease Renewals. He assured the Commission the Oyster Task Force and the oyster industry were trying to restore coastal Louisiana. Also, that group was responsible for the first and most of the existing river diversion structures. These restoration projects are what has made the oyster industry what it is today. One of the major difficulties for the industry is those in charge of regulations are not fully aware of the nature of the operations. Mr. Pausina then read from a Department of Natural Resources letter to the Oyster Task Force. Going on, he then stated the industry feels an oyster lease never expires, it is issued in perpetuity as long as it produces oysters. All leases are renewed at 15 year intervals for the purpose of resurveying to maintain control, accuracy and for

the settlement of disputes. The Oyster Task Force's position has always been it is unnecessary and unfair to punish a lease holder simply because that lease comes up for renewal when other lease holders continue to participate in any relocation or similar program. They asked that the recommendation for non-renewals not be utilized without participation in a relocation-type program. The Task Force will recommend to DNR that all leases be renewed for some term. Proposed legislation allowing the state to use federally accepted condemnation procedures to address unusual circumstances is being drafted by DNR and the Task Force. Mr. Pausina then requested the Commission pass a resolution stating that all leases up for renewal in January 1, 2003 be renewed. Commissioner Kelly asked for the Department's input on this issue since he did not have enough information to make a decision.

Ms. Cheryl Brodnax with the Department of Natural Resources, stated Act 439 was established 2 years ago that created the procedure to reach a common ground on the lease renewals. A recommendation has been presented to the industry and Department of Wildlife and Fisheries and they have until September 30 to make comments. If the industry feels their requests are not reached to their satisfaction, a joint legislative oversight hearing can be held. Ms. Brodnax stated DNR has not received a formal request from the industry on the issues presented.

Mr. John Roussel stated there is a process that has to be followed and the recommendations received from DNR is the first step in this process. He then added that the initial recommendations have been received and the Department is in the process of reviewing them. The action on the actual renewals take place in late November. Commissioner Stone asked, if the leases are renewed, will there be a disclaimer included for damages. Mr. Roussel stated all new leases and renewed leases since 1988 include hold harmless language. Commissioner Stone then asked how did a lawsuit come into being if a disclaimer has been in the language? Mr. Don Puckett stated the judge ruled that the disclaimer clause was unconstitutional. Commissioner Stone stated no action should be taken until the disclaimer issue was corrected.

Mr. Pausina stated the industry has accepted a disclaimer and it was called a relocation plan. He then stated if the State would follow the plan, there would be no problem. The majority in the oyster industry, wants this problem straightened out. Again Mr. Pausina asked that all leases that DNR are recommending not be renewed, be renewed and be a part of the relocation plan. He then

asked the Commission, which is part of the Department of Wildlife and Fisheries, whether they support the industry or not? Chairman Gattle felt there should be some statute of limitation.

Mr. Mitch Jurisich, representing the Louisiana Oyster Dealers and Growers and a representative of a majority of the oyster farmers in Plaquemines Parish, stated they support Mr. Pausina. He stated he participated in the Davis Pond Relocation Program and it did work well. He asked that the program be implemented by renewing the leases with the relocation plan included. Commissioner Stone stated if 100 percent participation for relocating was obtained, you may have a chance. But there will be people who want their lease renewed but not relocated. Mr. Jurisich stated he wanted to stay in the industry and the only way to move forward is to be assured that he would not be pushed aside. Commissioner Stone asked what happened to the relocation program. Mr. Roussel stated there is an existing statute that sets up a relocation program and that DNR has established some implementing regulations. The only project that has had the money to fund a relocation program has been the Davis Pond Project. Coastal restoration in Louisiana is more than just one project. Mr. Roussel added that there are no other funds available to implement a similar program for other restoration projects that impact the oyster leases. Commissioner Stone felt the oyster industry should go to the Legislature to get funding. Mr. Jurisich stated the problem they are faced with are the 34 out of 850 non-renewals coming up in January 2003. Those non-renewals may result in future litigation. Commissioner Stone stated the Commission was trying to find a way to protect the State. Mr. Jurisich stated he understood the Commission's position, but he wanted to protect his livelihood. Commissioner Stone asked if their legal counsel has looked into having a user agreement without owning the lease. Mr. Puckett stated the statute sets out how the areas are to be used and that was by a lease. Commissioner Stone asked if the statute could be changed through the Legislature? Mr. Puckett stated what needs to occur is for the courts to uphold the constitutionality and then it can fall into place. Commissioner Felterman felt the Department was in favor of helping the industry, but needed someone to tell them how it can be done without further litigation. Chairman Gattle asked Mr. Roussel what was the November date he spoke of? Mr. Roussel stated by late November the Department actually sends official notice to leaseholders on what will be the Department's intent. Chairman Gattle stated they would wait to hear from the Department. Mr. Jurisich stated he was seeing a positive move and expressed appreciation for the Commission's efforts.

Mr. Dennis Pixen, a member of the Oyster Task Force and an oyster farmer, stated it was important to realize the relocation program was not available for the fishermen in the Caernarvon area. He added he is not part of any lawsuits and noted some lawsuits he did not agree with. Mr. Pixen was afraid that his 3 year old son would not have the opportunity to learn the oyster business. He hoped the Commission would feel for the oyster industry and try to help. Chairman Gattle stated they will continue to monitor the situation.

The Commissioners agreed to hold the **January 2003 Meeting** on Tuesday, January 7, 2003 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Gattle then asked for any **Public Comments** and none were heard.

There being no further business, Commissioner Kelly made a motion to **Adjourn** the meeting and it was seconded by Commissioner Denmon.

James H. Jenkins, Jr.
Secretary

JHJ:sch

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Disease brings worries

By JOE MACALUSO
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Advocate outdoors writer

State Wildlife Division biologists and game managers are breathing easier these days, but are reserving a sigh of relief until tests on some 38 deer brought into the state from Minnesota are conducted.

"Unfortunately, we have to euthanize the deer to find out if Chronic Wasting Disease is present," Wildlife Division administrator Tom Prickett said Thursday.

The 38 deer were part of a 44-deer shipment that arrived in the state in late May, about three weeks after the Louisiana Wildlife and Fisheries Commission passed a Declaration of Emergency to ban all imports of deer and elk into the state.

The deer went to as many as five game-breeding operations and high-fence deer pens around the state, including one in northern East Baton Rouge Parish.

Department of Wildlife and Fisheries secretary Jimmy Jenkins Jr. confirmed his agency was looking into the shipment two weeks ago. Jenkins said the LDWF demanded the Department of Agriculture and Forestry commissioner Bob Odom take appropriate action to destroy the deer.

When Odom refused, Jenkins said the LDWF was ready to sue Odom and the LDAF to follow the LWFC's regulations.

Urgency was injected into the battle of words when Minnesota



Photo courtesy Colorado Division of Wildlife

□ A deer stricken by Chronic Wasting Disease in a pen in Colorado.

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announced in late August that CWD was found in a deer in its state. It's the 11th state to report finding the disease that can infect and decimate entire herds of deer and elk.

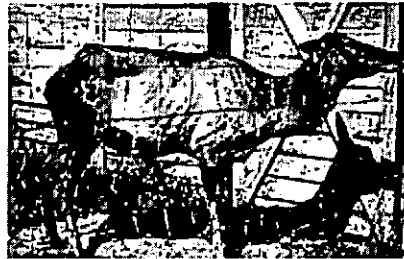


Photo courtesy Colorado Division of Wildlife

□ **An elk cow stricken by Chronic Wasting Disease in a pen in Colorado.**

Most of the CWD outbreak has been found and contained in deer and elk kept in pens. Already this year, Colorado has killed 3,000 elk and burned the carcasses. CWD is endemic in areas of northwestern Colorado and southern Wyoming and has been found in free-ranging deer herds in South Dakota, Wisconsin, New Mexico and Nebraska.

Gov. Mike Foster intervened Tuesday, and a Wednesday meeting produced an agreement Prickett said was "a positive step in protecting the deer of the state."

The two agencies met Friday to discuss ways to pay breeders and high-fence pen owners for the remaining 38 deer.

LDWF assistant secretary Phil Bowman said he anticipates action will be taken on those deer Monday.

"We don't want to sound like alarmists, but this is a very serious issue and can impact the culture and way of life in Louisiana. Deer hunting means a lot to the citizens of Louisiana, not to mention that it has a \$600 million economic impact in our state," Bowman said.

Because there is no live-animal test for CWD, Prickett said the animals will be killed at the sites, then their heads removed and sent for testing at an Iowa lab.

"If the tests show no CWD, then that will be good news," Bowman said.

Prickett said if one test comes back positive for CWD, then all deer in that pen, and possibly all the deer that came in contact with the shipped-in deer will have to be destroyed.

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CWD is serious, very serious

By JOE MACALUSO
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Advocate outdoors writer

What is it about Chronic Wasting Disease Bob Odom doesn't understand?

Is it that our Department of Agriculture and Forestry commissioner believes deer are a commercial commodity like cows, horses and sheep?

Let's hope not, but there's every reason to believe he does.

In May, the Wildlife and Fisheries Commission passed a Declaration of Emergency banning anyone in the state from importing deer and elk. That's all deer species and all elk.

In a manner all too familiar with Odom's LDAF reign, the LWFC's order was ignored. Odom's staff approved a shipment of 44 Minnesota deer into our state later that month. The whitetails came from pens in Minnesota and are in pens in Louisiana today.

Not for long: Odom and his staff were forced to meet with Wildlife and Fisheries secretary Jimmy Jenkins and his staff Wednesday. The two men and the two agencies traded harsh words for nearly a week before Gov. Mike Foster intervened and demanded a powwow.

A decision was needed quickly, especially after CWD was discovered in a Minnesota deer last week. If Odom didn't agree to a quick solution, the LDWF was ready to take the matter to court.

When something like CWD comes up, there's always the risk of sounding too much like an alarmist. When it comes to CWD, the potential catastrophe to Louisiana deer and hunting in our state warrants all the red flags we can fly.

Come Monday, the remaining deer from that May shipment -- six deer

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have already died -- will be killed, and the gruesome task of severing their heads and sending them off for testing will begin.

2002 Hunting seasons

Then, the LDWF folks, Odom and his Ag folks and the penned-up deer owners will begin holding their collective breaths until test results are posted. If there is one positive among the tests, it's possible all the deer in the pens that housed the Minnesota deer will have to be destroyed. The pens are scattered around the state. One is in East Baton Rouge Parish.

August

September

October

November

December

While we're at it, the hundreds of thousands of deer hunters in the state better hold their breaths, too.

CWD has no comparison to any virulent killer present in our deer herds -- nothing!

CWD kills deer by destroying their brains. Even worse, CWD can be present in a deer and not show up for as long as five years. That's five years of spreading throughout a herd before this whitetail version of Typhoid Mary drops dead.

Why, with all the evidence available to the LDAF, and an emergency regulation standing tall in print, did Odom allow this to happen?

It's not from stupidity.

Early in Foster's first term, Odom ignored LWFC regulations to ban the LDAF-endorsed plan for high-fence deer-hunting and deer-breeding operations. Fears were expressed then about trapping native deer inside the high fences, then introducing imported deer into area. Disease was among the top objections, and that was before CWD was ravaging penned-up elk in a handful of states and it was found in deer and elk herds in Colorado, Oklahoma, Montana, Kansas, Wyoming, Minnesota and two Canadian provinces. CWD has been found in free-ranging deer herds in Nebraska, South Dakota, New Mexico and, this year, in Wisconsin.

The question now is whether Odom and his staff should be allowed to manage, control or have any say-so on any animal or any captive-breeding program involving what are considered to be wild animals in our state. That includes elk, too.

His actions on the Minnesota shipment shows LDAF is not qualified to handle those animals in the best interest of the people of Louisiana. Wild animals such as deer need to be left in the wild, no fences, no breeding, no captive animals for some hunter who wants to bag a trophy deer without the muss and fuss of becoming a hunter.

And from what's happened since May, it looks like the Legislature needs to strip the LDAF's power to administer deer or elk programs.

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NTS

Chicago	10	11	4	34	40	33
MetroStars	10	12	2	32	37	40
New England	9	14	2	29	41	48
D.C. United	7	12	5	26	25	32

Western Division

	W	L	T	Pts	GF	GA
x-Los Angeles	13	9	3	42	40	32
x-San Jose	13	9	3	42	41	30
x-Dallas	11	7	7	40	38	35
x-Colorado	12	11	3	39	40	46
Kansas City	9	9	8	35	35	42

x-clinched playoff spot

NOTE: Three points for victory, one point for tie.

Thursday's Game

MetroStars at Dallas, (n)

Saturday's Games

DC United at New England, 6:30 p.m.
Los Angeles at Chicago, 7:30 p.m.
Columbus at San Jose, 9 p.m.

Thursday, Sept. 12

DC United at MetroStars, 6:30 p.m.

Saturday, Sept. 14

Chicago at Columbus, 6:30 p.m.
MetroStars at DC United, 6:30 p.m.
Colorado at Kansas City, 7 p.m.
New England at Dallas, 7:30 p.m.
San Jose at Los Angeles, 9 p.m.

FOOTBALL

CFL

East Division

	W	L	TOL	Pts	PF	PA
Montreal	9	1	0	18	313	194
Hamilton	5	5	0	10	239	276
Toronto	3	7	0	6	163	263
Ottawa	2	8	0	5	166	319

West Division

	W	L	TOL	Pts	PF	PA
Edmonton	8	2	0	16	286	235
Saskatchewan	5	5	0	11	261	219
Winnipeg	5	5	0	10	329	253
Brit. Col.	5	5	0	10	277	245
Calgary	3	7	0	8	264	281

NOTE: Two points for a regulation or overtime win and one point for a tie or overtime loss.

Friday's Game

Calgary at Edmonton, 8 p.m.

Today's Game

Toronto at Ottawa, 2 p.m.

Sunday's Games

Hamilton at Montreal, 12 p.m.
British Columbia at Winnipeg, 4 p.m.

Friday, Sept. 13

Edmonton at British Columbia, 9:30 p.m.

BOXING

Pro schedule

National TV in parentheses
Sept. 6

At Molson Centre, Montreal (ESPN2), Eric Lucas, Canada, vs. Omar Sheika, Paterson, N.J., 12, for Lucas' WBC super middleweight title.

At Crystal Park Casino, Compton, Calif. (Telemundo), Hector Camacho Jr., Puerto Rico, vs. Arturo Urena, Mexico, 12, for the vacant USBO welterweight title.

At Victoria, Texas, Carlos Gerena, Puerto Rico, vs. Orlando Salido, Mexico, 10, lightweight.

Sept. 7

At Portland, Ore. (HBO), Roy Jones Jr., Pensacola, Fla., vs. Clinton Woods, Britain, 12, for Jones' world light-heavyweight titles; Ronald Wright, St. Petersburg, Fla., vs. Bronco McKart, Monroe, Mich., 12, for Wright's IBF junior middleweight title.

Sept. 8

At Great Plains Coliseum, Lawton, Okla. (FSN), Attila Levin, Pembroke Pines, Fla., vs. Ross Puritty, Norman, Okla., 10, heavyweights.

Sept. 13

At Mandalay Bay Resort & Casino, Las Vegas, Julio Diaz, Coachella, Calif., vs. James Crayton, Las Vegas, 10, lightweights.

Sept. 14

At Mandalay Bay Resort & Casino, Las Vegas (PPV), Oscar De La Hoya, Whittier, Calif., vs. Fernando Vargas, Oxnard, Calif., 12, for De La Hoya's WBC and Vargas' WBA super welterweight titles; Daniel Alcala, Puerto Rico, vs. Nate Cambell, Jacksonville, Fla., 12, for

Biologists battling to protect penned deer, elk from disease

By JOE MACALUSO

Advocate outdoors writer

Wildlife and Fisheries biologists and wildlife managers continued the battle to keep Chronic Wasting Disease from infecting wild and penned whitetail deer and penned elk in the state at Thursday's Louisiana Wildlife and Fisheries Commission meeting.

The LWFC amended a Declaration of Emergency passed in May by making it illegal to "...receive or possess" imported deer or elk. Added was a requirement that anyone taking delivery of deer or elk must maintain bills of sale or lading, all invoices and other documents showing the sources of the deer or elk.

The original declaration imposed a ban on the importation of deer and elk into the state, and required that all deer and other "captive deer" have documentation of the source.

"We're strengthening the wording because it's important that we know where the deer are coming from," LDWF assistant secretary Phil Bowman said.

The second declaration set an Oct. 4 deadline for Game Breeder's License applications. State upland biologist Fred Kimmel said no licenses will be issued after that date. He explained the move is designed to limit the number of breeders in the state.

The new regulation will allow current operations to continue but only if licensing requirements are met and maintained.

The rule allows license transfer to immediate family members only; exempts zoos, educational institutions and scientific organizations on a case-by-case basis; and, bans the

use of the license in urban areas.

It also requires a 5,000 square-foot, well-drained corral for a single animal; mandates the material used for the corral's fence; requires game breeders to report all deaths of penned animals to a Wildlife Division office within 48 hours of the death; and, requires the breeder to preserve the dead animal for possible examination.

The third agenda item came in the form of a resolution from the LWFC asking the Louisiana Department of Agriculture and Forestry for a statewide moratorium on new alternative livestock licenses for deer and elk.

The LDWF and the LDAF were at odds earlier this week over a late August shipment of 44 deer from Minnesota. The deer were placed at as many as seven pens and breeding farms around the state.

Chronic Wasting Disease was discovered in Minnesota last week. LDWF officials confirmed Thursday that six of the 44 dies from various causes since their shipment. None of the deaths are being blamed on CWD.

The two state agencies agreed Wednesday to destroy the remaining deer and send the heads to Iowa for tests to determine if any of the deer might be affected by CWD. The deer will be euthanized Monday.

Because CWD affects the brains and spinal columns of deer and elk, there is no live-animal testing procedure to determine if CWD is present. Incubation of the disease is from 3-5 years, which means it's possible the shipped in deer could have the disease but not display signs of the disease. CWD affects the mobility of the infected animal.

"Like the name, the animal wastes away," Bowman said.

In other action, the LWFC modified the upcoming rail and gallinule seasons from a Jan. 1, 2003 ending date to a Jan. 8 ending date and agreed to continue LDWF's free lease on the 125,000-acre Atchafalaya Delta Wildlife Management Area for the next 25 years. The Office of State Lands owns the acreage.

The commission also amended the Coastwide Nutria Control Program to require trappers and hunters to remove nutria carcasses or "place the carcasses in such a manner as to prohibit feeding on the carcasses by birds, including southern bald eagles."

The LWFC also ratified a ban on the use nets and seines in Cypress Lake and Black Bayou Reservoir; reduced the alligator tag fee from \$4 to \$2 per hide; and, refused to issue a Notice of Intent to open recreational and commercial fishing seasons on paddlefish.

State wildlife agents issued 1,378 citations and 90 written warnings in August, including five for holding spotted fawns without the proper permits, eight for taking alligators before the Aug. 28 opening of the season and four driving boats while intoxicated.

The Enforcement Division's Major Keith LaCaze said agents routinely write citations for holding spotted fawns in late summer and early fall, "...because people find them in the fields. The fawns appear to be abandoned, but they usually are left in places by a doe. State law prohibits taking the fawns without the proper permits."

The LWFC also voted its January 2003 meeting for Tuesday, Jan. 7.

Volleyball team faces La. Tech in Sugar Bowl Classic at Tulane

Editor's note: Compiled from university news releases.

The LSU volleyball team travels to New Orleans this weekend to battle a trio of in-state rivals in the Sugar Bowl Classic on the Tulane campus.

The action begins with the Tigers (2-1) facing Louisiana Tech (2-3) today at 4:30 p.m. The tournament will conclude on Saturday as LSU faces UNO (0-3) at 11:30 a.m. and Tulane (3-2) at 7 p.m.

"This tournament is going to be a great showcase of

LSU REPORT

Senior setter Katie Kubena had an outstanding performance last weekend, recording 118 assists with 28 digs and six blocks. Sophomore Regan Hood also added 25 kills with a team-high 11 blocks for LSU.

Freshmen Cara Causey and Megan Heinz shined in their first outings as Tigers. The pair combined for 35 kills and 11 blocks on the weekend.

COMMISSION MEETING
ROLL CALL

Thursday, September 5, 2002
Baton Rouge, LA
Wildlife & Fisheries Building

	Attended	Absent
Tom Gattle (Chairman)	<u>✓</u>	<u> </u>
Jerry Stone	<u>✓</u>	<u> </u>
Bill Busbice	<u> </u>	<u>✓</u>
Tom Kelly	<u>✓</u>	<u> </u>
Wayne Sagrera	<u>✓</u>	<u> </u>
Terry Denmon	<u>✓</u>	<u> </u>
Lee Felterman	<u>✓</u>	<u> </u>

Mr. Chairman:

There are 6 Commissioners in attendance and we have a quorum.
Secretary Jenkins is also present.

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
September 5, 2002
10:00 AM

1. Roll Call
2. Approval of Minutes of August 1, 2002
3. Enforcement & Aviation Reports/August - Keith LaCaze
4. Approval of Atchafalaya Delta WMA Lease Renewal - Phil Bowman
5. Resolution and Declaration of Emergency - 2002-03 Waterfowl Season - Robert Helm
6. Resolution and Declaration of Emergency - Deer and Elk Importation - Fred Kimmel
7. Resolution, Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition - Fred Kimmel
8. Resolution - Requesting Moratorium on Alternative Livestock Licenses - Fred Kimmel
9. Public Comments - 2003 Turkey Season
10. Rule Ratification - Alligator Tag Fee - Brandt Savoie
11. Amendment to Regulations on Proposed Rule - Coastwide Nutria Control Program - Brandt Savoie
12. Rule Ratification - Cypress Lake & Black Bayou Reservoir Netting Prohibition - Gary Tilyou
13. Notice of Intent - Paddlefish - Special Fishing Season - Gary Tilyou
14. Presentation by Oyster Task Force on Department of Natural Resource's Oyster Lease Renewal Recommendations - Mike Voisin, Chairman
15. Set January 2003 Meeting Date
16. Public Comments
17. Adjournment

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ENFORCEMENT AVIATION REPORT
AUGUST, 2002

185-Amph. - 61092
Hrs. - 51.2

185-Float - 9667Q
Hrs. - 45.0

210 - 9467Y
Hrs. - 10.9

Enforcement Hours - 96.1

Other Divisions - 11.0

Total Plane Use - 107.1

Cases Made In Conjunction With Aircraft Use Resulted In Citations Issued For:

4-Trawl Inside Waters Closed Season

4-Oversize Trawls Inside Waters

2-Skim Inside Waters Closed Season

10-Total

Confiscations: 300 Lbs. of Shrimp, 4 Trawls, 2 Skimmer Nets

ENFORCEMENT CASE REPORT

AUGUST 2002

REGION 1:MINDEN
18 Agent positions

PARISHES: BIENVILLE, BOSSIER,
CADDO, CLAIBORNE,
WEBSTER

TOTAL CASES	82
TOTAL	DESCRIPTION OF CITATION
27	Boating
30	Angling W/O A Resident License
5	Angling W/O A License - Non-Resident
5	Fishing W/O A Resident Pole License
1	Violate Recreational Gear License Requirements
1	Take Over Limit Black Bass
1	Sell &/or Buy Fish W/O Wholesale/Retail Dealers License (Resident)
1	Failure To Maintain Records
1	Possession Wild Quadraped W/O A Permit
1	Selling Alligator Meat Illegally
1	Not Abiding By Rules & Regs (Alligator)
1	Taking Alligators W/O A License
2	Take &/or Possession Alligator Closed Season
1	Dealing Alligator Parts W/O A Parts License
1	Failure To Comply w/Alligator Parts Record Requirements
3	Littering

WRITTEN WARNINGS:

TOTAL	DESCRIPTION OF CITATION
11	
8	Boating
3	Angling W/O A Resident License

CONFISCATIONS:

CONFISCATION DESCRIPTION
4 rod & reel combos; 1 alligator; 1 black bass; 79 pounds alligator meat.

TOTAL OF EACH CATEGORY FOR REGION I

TOTAL	DESCRIPTION
27	Boating
2	Commercial Fishing
00	Federal Migratory
3	Littering
1	Miscellaneous
42	Recreational Fishing
7	State Hunting/Trapping
11	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
00	Public Assistance

REGION 2:MONROE
20 Agent positions

**PARISHES: E. CARROLL, JACKSON,
 LINCOLN,MOREHOUSE
 QUACHITA, RICHLAND
 UNION, W. CARROLL**

TOTAL CASES	69
TOTAL	DESCRIPTION OF CITATION
32	Boating
20	Angle Without Resident License
1	Angle Without Non-Resident License
3	Fish Without Resident Pole License
1	DWI (Boat)
1	Take Illegal Size Black Bass
5	Littering
1	Take Over Limit of Freshwater Game Fish (Black Bass)
1	Possession Of Illegally Taken Deer Closed Season
1	Hunt Without Resident Big Game License
1	Hunt Without Resident Basic License
1	Criminal Trespass
1	Sell Fish Without Retail Dealers License

WRITTEN WARNINGS:

TOTAL 8	DESCRIPTION OF CITATION
1	Failure To Have PFD On Under 13 Year Old
1	No Boat Numbers
1	Expired Boat Registration Certificate
1	Operate Unregistered Motorboat
1	No Boat Numbers
1	No Boat Registration In Possession
2	Failure To Display Valid Decal on Motorboat

CONFISCATIONS:

CONFISCATION DESCRIPTION
15 – Black Bass

TOTAL OF EACH CATEGORY FOR REGION 2 (Monroe)

TOTAL	DESCRIPTION
32	Boating
1	Commercial Fishing
-0-	Federal Migratory
5	Littering
2	Miscellaneous
26	Recreational Fishing
3	State Hunting/Trapping
8	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
10	Public Assistance (Assisting Stranded Motorists and Boaters)

REGION 3: ALEXANDRIA

**PARISHES: AVOUELLES, GRANT
NATCHITOCHES
RAPIDES, SABINE
VERNON, WINN**

26 Agent positions

TOTAL CASES	134
TOTAL	DESCRIPTION OF CITATION
35	Boating
5	Angling W/O A Non-Resident License
32	Angling W/O A License
1	Take Or Possess Game Fish Illegally
5	Fish W/O Resident Pole License
5	Take Illegal Size Black Bass
1	Sell Fish W/O Wholesale/Retail License
1	Take Commercial Fish W/O Commercial Gear License
1	Take Undersize Catfish W/Wire Net
2	Possess FBA W/O License
1	Possess Non-Game Birds
1	Possess Untagged MGB
3	Possess Spotted Fawn
1	Hunt W/O Resident License
1	Possess Live Wild Quads W/O Permit
20	Littering

5	Illegal Possession Of Drugs Or Marijuana
3	Illegal Possession Of Drug Paraphernalia
6	Operate ATV On Public Road
3	Public Possession Of Alcoholic Beverage (under age)
1	Contributing To The Delinquency Of A Juvenile
1	Not Abiding By Rules and Regs. (Possess Gun In Closed Season)

WRITTEN WARNINGS:

TOTAL	DESCRIPTION OF CITATION
9	
1	Fail To Display Valid Certificate Decal
7	Angling W/O A License
1	Take Illegal Size Black Bass

CONFISCATIONS:

CONFISCATION DESCRIPTION
3 bag marijuana, 1 pipe, 7 bottles/cans, 9 black bass, 3 spotted fawn, 2 Grey fox, 3 squirrels, 1 otter, 24 ducks, 3 non-game birds, 2 bobcat hides & skulls, 1 rod & reel.

TOTAL OF EACH CATEGORY FOR REGION 3

TOTAL	DESCRIPTION
35	Boating
3	Commercial Fishing
1	Federal Migratory
20	Littering
18	Miscellaneous
48	Recreational Fishing
9	State Hunting/Trapping
9	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
8	Public Assistance

REGION 4:FERRIDAY
24 Agent positions

PARISHES: CALDWELL, CATAHOULA
CONCORDIA, FRANKLIN
LASALLE, MADISON, TENSAS

	43
TOTAL	DESCRIPTION OF CITATION
10	Boating
10	Angling W/O A License
5	Angling W/O A Non-Resident License
1	Take Or Possess Game Fish Illegally
3	Take Or Possess Game Fish Over Limit
1	Commercial Fisherman Sell To Consumer W/O Fresh Products License
1	Sell Or By Fish W/O A Retail Seafood Dealers License
1	Take Or Possess Spotted Fawn
4	Illegal Possession Of Drugs (marijuana)
5	Littering
2	Operate ATV On A Public Road

WRITTEN WARNINGS:

TOTAL 2	DESCRIPTION OF CITATION
2	Boating safety violations

CONFISCATIONS:

CONFISCATION DESCRIPTION
15 bass; 1 catfish; 1 spotted fawn.

TOTAL OF EACH CATEGORY FOR REGION 4

TOTAL	DESCRIPTION
10	Boating
3	Commercial Fishing
0	Federal Migratory
5	Littering
6	Miscellaneous
19	Recreational Fishing
0	State Hunting/Trapping
2	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
5	Public Assistance

REGION 5: LAKE CHARLES
23 Agent positions

PARISHES: BEAUREGARD, CALCASIEU
EVANGELINE, ALLEN,
CAMERON, ACADIA,
VERMILION, JEFF DAVIS

TOTAL CASES	207
TOTAL	DESCRIPTION OF CITATION
44	Boating
35	Angling W/O A License
14	Angling W/O A License – Non Res.
1	Angling W/O Saltwater Lic.
1	Angling W/W Saltwater License – Non. Res.
5	Take/ Poss. Undersize Reddrum (Rec)
10	Take/Poss. Undersize Blackdrum (Rec)
2	Comm. Rules & Regulations – Red Snapper (Rec)
1	Take Or Poss. O/L Spotted Sea Trout
1	Failure To Have Comm. Lic. In Poss.
3	Take Or Sell Comm. Fish Or Bait Species W/O Comm. Lic.
2	Take Comm. Fish W/O Comm. Gear Lic. – Trawl
2	Take Or Poss. Comm. Fish W/O Vessel Lic.
6	Sell &/Or Buy Fish W/o Wholesale/Retail Dealers Lic. (Res.)
22	Sell &/Or Buy Fish W/o Wholesale/Retail Seafood License

31	Fail To Maintain Records
1	Transport W/O Required License (Res)
2	Destroy Legal Crab Traps Or Removing Contents
2	Tending Crab Traps Illegal Hours
3	Poss. Over 20% Undersize Crabs
2	Take Shrimp Illegal Gear
1	Hunt Alligators At Night W/Firearm
3	Take Or Poss. Alligators Closed Season
1	Take Or Poss. Of Other Non Game Birds – No Season
1	Not Abiding By Rules/Regulations On WMA
7	Littering
1	Illegal Poss. Of Drugs/Marijuana
1	Other Than Wildlife & Fisheries
1	Operate ATV Vehicle On Public Road
1	Misrepresentation During Issuance Of Misdemeanor

WRITTEN WARNINGS:

TOTAL 4	DESCRIPTION OF CITATION
1	Angling W/O A License
1	Improper Boat Numbers
1	Failure To Comply W/PFD Requirements

1	Improper Or No Fire Extinguisher

CONFISCATIONS:

CONFISCATION DESCRIPTION
Seafood purchase receipts; 8 rods; 8 reels; 1 bag marijuana; 1 remington shotgun; 1 plastic bag w/wad and pellets; alligator; redbill hawk; 2 boxes blue crabs, rtw; 43 specks donated to charity; 16 black drum photographed, rtw; 4 reddrum photographed, rtw; 97 lbs of shrimp sold for \$82.45.

TOTAL OF EACH CATEGORY FOR REGION 5

TOTAL	DESCRIPTION
44	Boating
77	Commercial Fishing
1	NON Federal Migratory
7	Littering
4	Miscellaneous
69	Recreational Fishing
4	State Hunting/Trapping
4	Written Warnings
1	WMA

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
4	Public Assistance

REGION 6:OPELOUSAS
24 Agent positions

**PARISHES: IBERIA, IBERVILLE,
 PT.COUPÉE,LAFAYETTE
 ST.MARTIN,IBERIA
 IBERVILLE,W.B.R.**

TOTAL CASES	251
TOTAL	DESCRIPTION OF CITATION
106	Boating
95	Angling W/O License
15	Take Illegal Size Black Bass
2	Take Or Possess Overlimit Of Undersized Freshwater Gamefish
9	Fish W/O Resident Pole License
1	Take Or Possess Overlimit Of Red Drum
1	Sell/Buy Fish W/O Retail Seafood License
1	Angling W/O Saltwater License
3	Littering
1	Misrepresentation During Issuance Of Misdemeanor
3	Angling W/O Non-Resident License
1	Block Passage Of Fish
1	Possess Live Wild Birds W/O Permit
2	Collect Reptile/Amphib. Recreationally W/O Basic Fishing License
1	Take Commercial Fish W/O Gear License
1	Take/Possess Undersize Commercial Fish

2	Take/Possess Gamefish Illegally
1	Use Wire Net Illegal Area
1	Possession Of Live MGB Illegally
1	Take Or Possess Commercial Fish W/O Vessel License
1	Sell Or Buy Fish W/O Wholesale Retail Dealers License
1	Fail To Maintain Records
1	Take Fish Illegally

WRITTEN WARNINGS:

TOTAL 13	DESCRIPTION OF CITATION
9	Angling W/O License
2	Boating
2	Not Abiding By Rules/Regulations On Refuge

CONFISCATIONS:

CONFISCATION DESCRIPTION
13 red drum, 1 red igloo ice chest, 75 black bass, 35 frogs, 1 bottle, 3 rod and reels, 4 live wood ducks, 1 bud light can, 5 catfish, 1 cast net, 41 lbs. Mixed white shrimp, check for \$82.00.

TOTAL OF EACH CATEGORY FOR REGION 6

TOTAL	DESCRIPTION
106	Boating
7	Commercial Fishing
1	Federal Migratory
3	Littering
1	Miscellaneous
132	Recreational Fishing
1	State Hunting/Trapping
13	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
0	Public Assistance

REGION 7:BATON ROUGE**22 Agent positions**

**PARISHES: ASCENSION, E.B. ROUGE,
E. FELICIANA, LIVINGSTON,
ST. HELENA, ST. TAMMANY,
TANGIPAHOA, WASHINGTON,
W. FELICIANA**

TOTAL CASES	181
TOTAL	DESCRIPTION OF CITATION
102	Boating <3-D.W.I.'s> <1-Neglegent Homicide>
57	Fishing W/O Resident License
12	Fishing W/O Non-Residence License
1	Obtain License by Fraud
1	Use Gear W/O Recreational Gear License
3	Sell Commercial Fish W/O Wholesale/Retail Dealers License
1	Allow another to Use Commercial License
3	Failure to Comply W/Rules and Regulations of Scenic River
1	Littering

WRITTEN WARNINGS:

TOTAL 13	DESCRIPTION OF CITATION
9	Boating
4	Fishing W/O Resident License

CONFISCATIONS:

CONFISCATION DESCRIPTION	
None.	

TOTAL OF EACH CATEGORY FOR REGION 7

TOTAL	DESCRIPTION
102	Boating <3—D.W.I.'s> <1-Negligent Homicide>
4	Commercial Fishing
0	Federal Migratory
1	Littering
4	Miscellaneous
70	Recreational Fishing
0	State Hunting/Trapping
13	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
9	Public Assistance: 4-Assist Boaters 5-Assist Motorists

REGION 8:NEW ORLEANS
18 Agent positions

**PLAQUEMINE, ST. BERNARD,
 ORLEANS, JEFFERSON
 ST. CHARLES**

TOTAL CASES	218
TOTAL	DESCRIPTION OF CITATION
65	Boating
70	Angling W/O A License
19	Angling W/O A License Non-Resident
9	Angling W/O Saltwater Lic.
2	Angling W/O Saltwater Lic Non-Resident
3	Take/Poss. O/L Red Drum(On Water)
4	Take or Poss. Undersized Spotted Sea Trout
1	Take or Poss. Undersized Black Drum
2	Commission Rules and Regs. Red Snapper(Recreational)
1	Commission Rules and Regs. Grouper(Recreational)
1	Commission Rules and Regs. (Cobia)
1	Commission Rules and Regs. (Tuna)
2	Take/Poss. O/L Spotted Seatrout(On Water)
3	Not Abiding By Commission Rules Finfish
1	Take Commercial Fish W/O Comm. Gear Lic.
4	Take or Poss. Commercial Fish W/O Vessel Lic.

3	Use Crab Traps W/O Required Markings
2	Removing Contents from Legal Crab Traps
1	Fail to Mark Soft-shell Crab Container
2	Tending Crab Traps Illegal Hours
1	Permit Unlicensed Person to Operate Commercial Vessel
1	Permit Unlicensed Person to Use Commercial Gear
2	Trawling in Closed Season (Inside Waters)
3	Use Skimmers in Closed Season
2	Failure to Have Written Permission
3	Unlawfully Take Oysters From State Water Bottoms
2	Take Oysters Closed Season
2	Failure to Display Proper Number on Vessel
1	Operating Vehicle While Intoxicated
3	Littering
2	Violation of Sanitation Code-Chapter 9 (Vessel Regulations)

WRITTEN WARNINGS:

TOTAL 17	DESCRIPTION OF CITATION
12	B boating
3	Angling W/O A License
1	Fish W/O Resident Pole Lic.

1	Angling W/O Saltwater Lic.
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CONFISCATIONS:

CONFISCATION DESCRIPTION
<p>Returned to Water.... Mullet (230 lbs.)...Shrimp (2 lbs.)...Seafood (2 lbs.)...Crabs (800 lbs. and 1 box)...Oysters (2.5 lbs.)...Oyster Sacks(67 sacks)</p> <p>Donated.... Sheepshead(2)...Redeem(59)...Croakers(3)...Spotted Sea /Trout 99)...Shrimp(20 lbs.)...Black Drum(5)...White Trout(3)...Red Snapper(7)...Mangrove Snapper(2)...Gag grouper(5)...Cobia(1)...</p> <p>Hardware Confiscated...Dredges(4)...Trawl and Boards(1)...Ice Chest(4)...Rod and Reel(17)...Beer Can(1)...Skimmer nets(6)...Bait Box(1)...Spinner Bait(1)...Crab Traps W/O Tags(4)...Crab Traps w/tags(2)...Boat and motor(2)...Comm. Vessel Lic.(1)...Comm. Gear Lic.(2)...Oyster Lugger(1)...Log Book(1)...60 pound lugs(12)...Castnet(1)</p>

TOTAL OF EACH CATEGORY FOR REGION 8

TOTAL	DESCRIPTION
65	Boating
29	Commercial Fishing
0	Federal Migratory
3	Littering
7	Miscellaneous
114	Recreational Fishing
0	State Hunting/Trapping
17	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
8	Public Assistance

REGION 9: SCHRIEVER

25 Agent positions

**PARISHES: ASSUMPTION, ST.
JAMES, ST. JOHN, ST. MARY
TERREBONNE, LAFOURCHE
JEFFERSON-GRAND ISLE
LOWER ST. MARTIN**

TOTAL CASES	130
TOTAL	DESCRIPTION OF CITATION
47	Boating
19	Angling Without A License
6	Angling Without A Non- Resident License
1	Fish Without Resident Pole License
2	Violate Recreational Gear License Requirement
4	Angling Without Saltwater License
4	Angling Without Non-Resident Saltwater License
1	Take Illegal Size Black Bass
2	Take Commercial Fish Without Commercial License
2	Butterflying In Closed Season
10	Use Skimmers In Closed Season
13	Trawling In Closed Season (Inside Waters)
4	Trawling Inside Waters With Oversized Double Rigs
3	Take Oysters Closed Season
3	Unlawfully Take Oysters Off A Private Lease
2	Take Grobec – No Season

1	Operate Vehicle While Intoxicate
2	Flight From An Officer
2	Reckless Operation Of A Vehicle
1	Battery On An Officer
1	Resisting An Officer

WRITTEN WARNINGS:

TOTAL 9	DESCRIPTION OF CITATION
8	Boating
1	Angling Without Saltwater License

CONFISCATIONS:

CONFISCATION DESCRIPTION
351 pounds shrimp sold \$538.20; 110 pounds assorted shrimp, fish, and crabs released; 4 red snappers; 12 dressed grobecks; 9 flounders; 15 sacks oysters; 1 black bass; 1 shotgun with 5 live shells; 2 butterfly nets; 3 boats (paper seizures); 6 trawl nets; 12 skimmer nets; 8 champagne baskets; 1 rod and reel; 1 driver's license; 1 commercial license; 1 gear license; 1 vessel license.

TOTAL OF EACH CATEGORY FOR REGION 9

TOTAL	DESCRIPTION
47	Boating
37	Commercial Fishing
2	Federal Migratory
0	Littering
7	Miscellaneous
37	Recreational Fishing
0	State Hunting/Trapping
9	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
7	Public Assistance

OYSTER STRIKE FORCE
3 Agent positions

COASTAL WATERS

TOTAL CASES	18
TOTAL	DESCRIPTION OF CITATION
7	Unlawfully Take Oysters From State Water Bottoms
4	Take Oysters Closed Season
1	Take Or Sell Commercial Fish W/O A Commercial License
1	Take Or Possess Oysters W/O An Oyster Harvester License
2	Violate Sanitary Code-Chapter 9
1	Allow Unlicensed Fisherman To Use Commercial Gear License
1	Allow Unlicensed Fisherman To Use Commercial Vessel
1	Take Or Possess Over The Limit Of Spotted Sea Trout

WRITTEN WARNINGS:

TOTAL 0	DESCRIPTION OF CITATION
0	

CONFISCATIONS:

CONFISCATION DESCRIPTION
90 sacks of oysters, and 31 spotted sea trout.

TOTAL OF EACH CATEGORY FOR OYSTER STRIKE FORCE

TOTAL	DESCRIPTION
0	Boating
17	Commercial Fishing
0	Federal Migratory
0	Littering
0	Miscellaneous
1	Recreational Fishing
0	State Hunting/Trapping
0	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
0	Public Assistance

S.W.E.P.
8 Agent positions

COASTAL WATERS

TOTAL CASES	11
TOTAL	DESCRIPTION OF CITATION
3	Boating
3	Angling W/O A Basic License
1	Angling W/O A Saltwater License
2	Trawling In Closed Season
2	Use Skimmers In Closed Season

WRITTEN WARNINGS:

TOTAL 1	DESCRIPTION OF CITATION
1	Improper Fire Extinguisher

CONFISCATIONS:

CONFISCATION DESCRIPTION
4 red snapper and 4 trawls.

TOTAL OF EACH CATEGORY FOR S.W.E.P.

TOTAL	DESCRIPTION
3	Boating
4	Commercial Fishing
0	Federal Migratory

0	Littering
0	Miscellaneous
4	Recreational Fishing
0	State Hunting/Trapping
1	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

REFUGE PATROL
8 Agent positions

MARSH ISLAND,
ROCKEFELLER, STATE
WILDLIFE

TOTAL CASES	30
TOTAL	DESCRIPTION OF CITATION
7	Boating
4	Angling W/O A Basic License
11	Not Abiding By Rules And Regs. On WMA
4	Take Or Possess Undersize Black Drum
1	Littering
2	Taking Fish Illegally
1	Angling W/O A License

WRITTEN WARNINGS:

TOTAL 3	DESCRIPTION OF CITATION
3	Not Abide By Rules And Regs. On WMA

CONFISCATIONS:

CONFISCATION DESCRIPTION
20 southern flounder, 19 lbs. of shrimp sold for \$26.60, 2 red drum, and 11 black drum.

TOTAL OF EACH CATEGORY FOR FUR AND REFUGE PATROL

TOTAL	DESCRIPTION
7	Boating
0	Commercial Fishing
0	Federal Migratory
1	Littering
11	Miscellaneous
11	Recreational Fishing
0	State Hunting/Trapping
3	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
5	Public Assistance Assisted Stranded Vessels

TOTAL CASES -1374

NOTE: WRITTEN WARNINGS =90

ADDENDUM

SEAFOOD INVESTIGATIVE UNIT

STATEWIDE

8 Agent positions

TOTAL CASES	4
TOTAL	DESCRIPTION OF CITATION
1	Buy/Sell Fish W/O A Wholesale/Retail Seafood Dealer's License
2	Fail To Maintain Records
1	Buy Commercial Fish From Unlicensed Dealer

WRITTEN WARNINGS:

TOTAL 0	DESCRIPTION OF CITATION
0	

CONFISCATIONS:

CONFISCATION DESCRIPTION
None.

TOTAL OF EACH CATEGORY FOR SPECIAL INVESTIGATIONS UNIT

TOTAL	DESCRIPTION
0	Boating
4	Commercial Fishing
0	Federal Migratory
0	Littering
0	Miscellaneous

0	Recreational Fishing
0	State Hunting/Trapping
0	Written Warnings

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

RESOLUTION

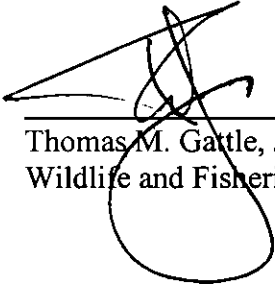
ATCHAFALAYA DELTA WILDLIFE MANAGEMENT AREA

adopted by the
Louisiana Wildlife and Fisheries Commission

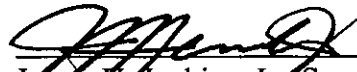
September 5, 2002

- WHEREAS, Atchafalaya Bay is a major wintering and staging area for waterfowl and other neotropical migrants, and annually attracts hundreds of thousands of ducks and geese, and is also an important fisheries estuary and nursery waters for a wide variety of fish and other aquatic organisms, and
- WHEREAS, Atchafalaya Bay is owned by the state, in trust for the benefit of the citizens of the State, and is a prime waterfowl hunting and fishing area for many of Louisiana's hunters and fishermen, and
- WHEREAS, Atchafalaya Bay is comprised of more than 125,000 acres, the vast majority of which, about 90%, is water bottom, with the rest, or more than 12,000 acres, being land formed by accretion, and
- WHEREAS, since 1977, the entirety of Atchafalaya Bay, both the water bottom and the accreted land, has been actively managed by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission as the Atchafalaya Delta Wildlife Management Area, and
- WHEREAS, in order to ensure that these properties remain perpetually dedicated for the purpose of maintaining such properties as a wildlife management area, the Wildlife and Fisheries Commission, at its December 6, 2001 meeting passed a resolution confirming that all state owned lands, including water bottoms, located within Atchafalaya Bay, as more particularly described on Exhibit A to that Resolution, were included within a wildlife management area named the Atchafalaya Delta Wildlife Management Area.
- WHEREAS, the Wildlife and Fisheries Commission, at its December 6, 2001 meeting authorized and empowered the Secretary of the Department of Wildlife and Fisheries, on behalf of the Commission, to take all actions necessary in furtherance of confirming the establishment the Atchafalaya Delta Wildlife Management Area. Based on this authority, the Secretary and the Chairman of the Commission executed a lease document by and between the Governor of Louisiana, the Commissioner of Administration, the State Land Office, the Department of Natural Resources, the Wildlife and Fisheries Commission, and the Department of Wildlife and Fisheries, which lease document further confirms that the above described area does constitute a wildlife management area. This lease document is attached hereto and made a part hereof.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby approve, ratify, and confirm the above described lease document and the provisions contained therein and the authority of the Secretary of the Department of Wildlife and Fisheries and the Chairman of the Commission to sign the lease document on behalf of the Commission.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries Commission



James H. Jenkins, Jr., Secretary
Department of Wildlife and Fisheries

RESOLUTION

ATCHAFALAYA DELTA WILDLIFE MANAGEMENT AREA adopted by the Louisiana Wildlife and Fisheries Commission

September 5, 2002

- WHEREAS, Atchafalaya Bay is a major wintering and staging area for waterfowl and other neotropical migrants, and annually attracts hundreds of thousands of ducks and geese, and is also an important fisheries estuary and nursery waters for a wide variety of fish and other aquatic organisms, and
- WHEREAS, Atchafalaya Bay is owned by the state, in trust for the benefit of the citizens of the State, and is a prime waterfowl hunting and fishing area for many of Louisiana's hunters and fishermen, and
- WHEREAS, Atchafalaya Bay is comprised of more than 125,000 acres, the vast majority of which, about 90%, is water bottom, with the rest, or more than 12,000 acres, being land formed by accretion, and
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Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and Fisheries

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BE IT KNOWN, that on this 30th day of August, 2002, the State of Louisiana, acting through M. J. "Mike" Foster, Jr., Governor of the state of Louisiana, Mark C. Drennen, Commissioner of Administration, Jack C. Caldwell, Secretary of the Department of Natural Resources, and Charles R. St. Romain, Administrator of the Office of State Lands, (hereinafter cumulatively referred to as LESSOR), and the Department of Wildlife and Fisheries, represented by James H. Jenkins, Jr., Secretary of the Department of Wildlife and Fisheries, and the Wildlife and Fisheries Commission, herein represented by Thomas M. Gattle, Jr., Chairman of the Wildlife and Fisheries Commission, (hereinafter cumulatively referred to as LESSEE), do hereby make and enter into the following agreement under provisions of Act No. 565 of the 1977 Regular Session of Louisiana Legislature.

I.

That the LESSOR is the owner of the following described property situated in the Parish of St. Mary, State of Louisiana, to wit:

A certain portion of Atchafalaya Bay, belonging to the State of Louisiana and designated an "arm of the sea" by L.S.A. R.S. 38:2356 M (2) including all present or former beds and areas of navigable waters or the shores within the area hereafter described, and also, but not by limitation, all islands except those islands, if any, which may be owned or leased by the United States government or its agencies, and all present and future depositions of shell, sand, or silt and present or future emerging lands created thereby; which portion of Atchafalaya Bay is bounded by a line described more fully, to wit:

From a point, with Louisiana Plane Coordinate System, South Zone coordinates of X=1,930,619 ft., Y=309,763 ft., which marks the mean low water line of the extreme tip of Point Chevreuil in St. Mary Parish, T-17-S, R-9-E, as depicted on Map No. 3 of 5, entitled "Point Chevreuil" of the Set of 54 Maps of the Louisiana Coast, submitted into evidence as Exhibit No. 119 in Number 9 Original, United States of America v. State of Louisiana, et al., {which set of maps is hereinafter referred to as the "Set of 54 Maps"}, thence to the mean high water mark of the extreme tip of Point Chevreuil, which is the point of beginning; thence from the point of beginning, proceed northeasterly along the mean high water line to the westernmost entrance point of the Wax Lake Outlet; thence in a straight line across the mouth of Wax Lake Outlet to Belle Isle Point; thence following the mean high water line, easterly, closing off all bayous, to the easternmost point of Shell Island; thence by a straight closing line across the Atchafalaya River to the northernmost headland of Deer Island Bayou; thence closing the mouth of Deer Island Bayou to the tip of the southern headlands; thence following the mean high water line to the northernmost headland of Four League Bay, thence southerly by straight closing line across Four League Bay to the northernmost point of South Point; thence following the mean high water line along the coast to Point au Fer to that point with the assigned coordinates of X=1,993,420 ft., Y=241,930 ft., depicted on Map No. 1 of 5, "Point au Fer," of the "Set of 54 Maps;" thence along a line connecting said point on Point au Fer with a point on Mound Point on Marsh Island with the coordinated of X=1,845,475 ft., Y=293,595 ft., depicted on Map No. 4 of 5, "Marsh Island S.E." of the "Set of 54 Maps," to that

point where said line between Point au Fer and Mound Point intersects a north-south line with a constant coordinate value of $X=1,930,619$ ft., on the Louisiana Plane Coordinate System, South Zone; thence north to the point of the mean low water line of Point Chevreuil with coordinates of $X=1,930,619$ ft., $Y=309,763$ ft., described herein above; thence to the point of beginning; which points, and mean high water line constituting the boundaries of the Atchafalaya Delta Wildlife Management Area are depicted on the "Set of 54 Maps" identified herein, which maps are made a part hereof by specific reference.

II.

That the LESSOR, in consideration of the benefits, uses and advantages, accruing to LESSOR by reason of the LESSEE establishing and locating a Wildlife Management Area on the above described property, and by reason of the development, improvement, preservation and protection of said above described property in their natural state for the propagation of wild game life at the expense of the LESSEE in accordance with existing laws, DOES HEREBY LEASE AND LET THE said above described property for the purpose of establishing a Wildlife Management Area under the jurisdiction of LESSEE for a period of 25 years, beginning on the 1st day of September, 2002, and ending on the 31st day of August, 2027, unto the LESSEE here present, accepting and acknowledging delivery and possession thereof (hereafter "leased area"). The LESSEE shall use and maintain the leased area as a wildlife management area for the benefit of the citizens of the state.

III.

That as a further consideration for the leasing and letting of the leased area, and in furtherance of their development, improvements, preservation and protection in their natural state, as well as in the supervision and management of wild game life thereon, LESSEE shall:

(a) post and erect signs where feasible, to adequately designate the boundaries of said Wildlife Management Area located on the leased area;

(b) prohibit unauthorized trespassing upon the leased area, subject only to the use by the LESSOR, its agents and representatives, in any normal operation of the leased area;

(c) patrol and supervise for game management purposes the leased area through duly authorized wildlife management area supervisors or wardens, wildlife agents or other commissioned Department employees;

(d) undertake habitat improvement programs where feasible for the purpose of maintaining and improving the productiveness of the leased area for fish and wildlife;

(e) exercise exclusively through its commissioned employees, the supervision, management and operations of restocking and protecting, as well as the utilization and removal of any wild game life by public hunting, trapping or other means to and from the leased area;

(f) establish regulations relating to the use and possession of firearms by any person during closed season on the leased area, unless said person be a commissioned employee of the Department of Wildlife and Fisheries or representative of LESSEE, or a party specially authorized by LESSEE to go upon the leased area, and to carry, possess and use firearms while on the leased area;

(g) prohibit dogs within the boundaries of the leased area except as prescribed by LESSEE; and

(h) direct the manner of utilization and removing of any wild game on the leased area.

IV.

Nothing herein shall be construed as preventing LESSOR from leasing any of the leased area for the exploration or production of minerals; provided that such leases shall recognize the prevailing use of the leased area as a wildlife management area under the jurisdiction of LESSEE and shall provide reasonable restrictions on such mineral activity to assure compatibility therewith. In accordance with La. R.S. 56:631, all revenue derived from trapping leases or the sale of furs or mineral leases or exploitation in any way of the mineral resources within the leased area are dedicated to the Louisiana Wildlife and Fisheries Commission to be used for the protection, maintenance, operation, and development of wildlife management areas, wildlife refuges, public shooting grounds, outdoor recreation areas or for the acquisition of other such areas. Pursuant to this dedication, LESSOR provides that the funds remitted to LESSOR under the terms of existing and future mineral leases which are paid to the Office of Mineral Resources, the Register of the State Land Office, or those otherwise endorsed or processed by the Secretary of the Department of Natural Resources pursuant to his general authority, in accordance with La. R.S. 30:136, be disposed, transferred, remitted or otherwise directed to the Conservation Fund (La. Const. Art. VII, § 10-A).

V.

The LESSOR, pursuant to La. R.S. 41:1173, reserves the right to grant rights-of-way across the leased area whenever the rights-of-way pass through the area and originate from outside the leased area; recognizing at all times, the prevailing use of the leased area as a wildlife management area and the necessity to provide reasonable restrictions on such activity to assure compatibility therewith. All revenue derived from rights-of-way originating from outside the leased area and not associated with the exploitation of mineral resources within the leased area shall be deposited in the State Treasury.

VI.

It is mutually understood and agreed that the RIGHT of the State of Louisiana and/or the United States Army, Corps of Engineers to perform all works necessary for the maintenance of flood control and stream navigability IS RETAINED and that this right is considered paramount and shall take precedence over all others. Further, it is understood and agreed that the LESSEE is PROHIBITED from performing any work, the result of which, would obstruct, diminish or in any manner interfere with the free flow of water located within the leased area.

VII.

It is mutually agreed by and between the LESSOR and the LESSEE that:

- (a) the scope of jurisdiction, supervision, management, operation and control of the leased area by LESSEE is limited to the terms of this lease unless otherwise provided for by law;
- (b) upon the termination of this agreement the LESSEE shall have the right to remove any and every improvement, installed by LESSEE (of a movable nature) including the wild game located on the leased area.

Should said property not be used by the LESSEE for the purpose above stated during the period of said lease, the lease shall lapse and no rights there under shall hereafter be vested in the LESSEE.

IN WITNESS WHEREOF the parties hereto have signed these presents on the day and date hereinabove set forth and in the presence of the undersigned witnesses after due reading of the whole.

WITNESSES:

LESSOR, STATE OF LOUISIANA, through,

GOVERNOR, STATE OF LOUISIANA, LESSOR

COMMISSIONER, DIVISION OF ADMINISTRATION,
LESSOR


SECRETARY, DEPARTMENT OF NATURAL
RESOURCES, LESSOR

ADMINISTRATOR, STATE LAND OFFICE, LESSOR

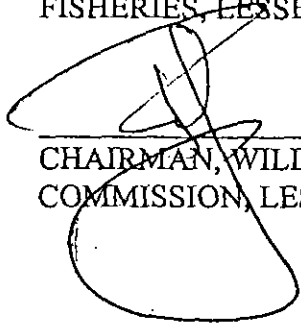
LESSEE, through,

Eusan Hawkins
Fluently

Dieme L. Esup
Robert H. Hynes



SECRETARY, DEPARTMENT OF WILDLIFE AND
FISHERIES, LESSEE



CHAIRMAN, WILDLIFE AND FISHERIES
COMMISSION, LESSEE

LEASE CONTRACT NO. 1132

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BE IT KNOWN, that on this 30th day of August, 2002, the State of Louisiana, acting through M. J. "Mike" Foster, Jr., Governor of the state of Louisiana, Mark C. Drennen, Commissioner of Administration, Jack C. Caldwell, Secretary of the Department of Natural Resources, and Charles R. St. Romain, Administrator of the Office of State Lands, (hereinafter cumulatively referred to as LESSOR), and the Department of Wildlife and Fisheries, represented by James H. Jenkins, Jr., Secretary of the Department of Wildlife and Fisheries, and the Wildlife and Fisheries Commission, herein represented by Thomas M. Gattle, Jr., Chairman of the Wildlife and Fisheries Commission, (hereinafter cumulatively referred to as LESSEE), do hereby make and enter into the following agreement under provisions of Act No. 565 of the 1977 Regular Session of Louisiana Legislature.

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From a point, with Louisiana Plane Coordinate System, South Zone coordinates of X=1,930,619 ft., Y=309,763 ft., which marks the mean low water line of the extreme tip of Point Chevreuil in St. Mary Parish, T-17-S, R-9-E, as depicted on Map No. 3 of 5, entitled "Point Chevreuil" of the Set of 54 Maps of the Louisiana Coast, submitted into evidence as Exhibit No. 119 in Number 9 Original, United States of America v. State of Louisiana, et al. (which set of maps is hereinafter referred to as the "Set of 54 Maps"), thence to the mean high water mark of the extreme tip of Point Chevreuil, which is the point of beginning; thence from the point of beginning, proceed northeasterly along the mean high water line to the westernmost entrance point of the Wax Lake Outlet; thence in a straight line across the mouth of Wax Lake Outlet to Belle Isle Point; thence following the mean high water line, easterly, closing off all bayous, to the easternmost point of Shell Island; thence by a straight closing line across the Atchafalaya River to the northernmost headland of Deer Island Bayou; thence closing the mouth of Deer Island Bayou to the tip of the southern headlands; thence following the mean high water line to the northernmost headland of Four League Bay, thence southerly by straight closing line across Four League Bay to the northernmost point of South Point; thence following the mean high water line along the coast to Point au Fer to that point with the assigned coordinates of X=1,993,420 ft., Y=241,930 ft., depicted on Map No. 1 of 5, "Point au Fer," of the "Set of 54

Maps;" thence along a line connecting said point on Point au Fer with a point on Mound Point on Marsh Island with the coordinated of X=1,845,475 ft., Y=293,595 ft., depicted on Map No. 4 of 5, "Marsh Island S.E." of the "Set of 54 Maps," to that point where said line between Point au Fer and Mound Point intersects a north-south line with a constant coordinate value of X=1,930,619 ft., on the Louisiana Plane Coordinate System, South Zone; thence north to the point of the mean low water line of Point Chevreuil with coordinates of X=1,930,619 ft., Y=309,763 ft., described herein above; thence to the point of beginning; which points, and mean high water line constituting the boundaries of the Atchafalaya Delta Wildlife Management Area are depicted on the "Set of 54 Maps" identified herein, which maps are made a part hereof by specific reference.

II.

That the LESSOR, in consideration of the benefits, uses and advantages, accruing to LESSOR by reason of the LESSEE establishing and locating a Wildlife Management Area on the above described property, and by reason of the development, improvement, preservation and protection of said above described property in their natural state for the propagation of wild game life at the expense of the LESSEE in accordance with existing laws, DOES HEREBY LEASE AND LET THE said above described property for the purpose of establishing a Wildlife Management Area under the jurisdiction of LESSEE for a period of 25 years, beginning on the 1st day of September, 2002, and ending on the 31st day of August, 2027, unto the LESSEE here present, accepting and acknowledging delivery and possession thereof (hereafter "leased area"). The LESSEE shall use and maintain the leased area as a wildlife management area for the benefit of the citizens of the state.

III.

That as a further consideration for the leasing and letting of the leased area, and in furtherance of their development, improvements, preservation and protection in their natural state, as well as in the supervision and management of wild game life thereon, LESSEE shall:

- (a) post and erect signs where feasible, to adequately designate the boundaries of said Wildlife Management Area located on the leased area;
- (b) prohibit unauthorized trespassing upon the leased area, subject only to the use by the LESSOR, its agents and representatives, in any normal operation of the leased area;
- (c) patrol and supervise for game management purposes the leased area through duly authorized wildlife management area supervisors or wardens, wildlife agents or other commissioned Department employees;
- (d) undertake habitat improvement programs where feasible for the purpose of maintaining and improving the productiveness of the leased area for fish and wildlife;

(e) exercise exclusively through its commissioned employees, the supervision, management and operations of restocking and protecting, as well as the utilization and removal of any wild game life by public hunting, trapping or other means to and from the leased area;

(f) establish regulations relating to the use and possession of firearms by any person during closed season on the leased area, unless said person be a commissioned employee of the Department of Wildlife and Fisheries or representative of LESSEE, or a party specially authorized by LESSEE to go upon the leased area, and to carry, possess and use firearms while on the leased area;

(g) prohibit dogs within the boundaries of the leased area except as prescribed by LESSEE; and

(h) direct the manner of utilization and removing of any wild game on the leased area.

IV.

Nothing herein shall be construed as preventing LESSOR from leasing any of the leased area for the exploration or production of minerals; provided that such leases shall recognize the prevailing use of the leased area as a wildlife management area under the jurisdiction of LESSEE and shall provide reasonable restrictions on such mineral activity to assure compatibility therewith. In accordance with La. R.S. 56:631, all revenue derived from trapping leases or the sale of furs or mineral leases or exploitation in any way of the mineral resources within the leased area are dedicated to the Louisiana Wildlife and Fisheries Commission to be used for the protection, maintenance, operation, and development of wildlife management areas, wildlife refuges, public shooting grounds, outdoor recreation areas or for the acquisition of other such areas. Pursuant to this dedication, LESSOR provides that the funds remitted to LESSOR under the terms of existing and future mineral leases which are paid to the Office of Mineral Resources, the Register of the State Land Office, or those otherwise endorsed or processed by the Secretary of the Department of Natural Resources pursuant to his general authority, in accordance with La. R.S. 30:136, be disposed, transferred, remitted or otherwise directed to the Conservation Fund (La. Const. Art. VII, § 10-A).

V.

The LESSOR, pursuant to La. R.S. 41:1173, reserves the right to grant rights-of-way across the leased area whenever the rights-of-way pass through the area and originate from outside the leased area; recognizing at all times, the prevailing use of the leased area as a wildlife management area and the necessity to provide reasonable restrictions on such activity to assure compatibility therewith. All revenue derived from rights-of-way originating from outside the leased area and not

associated with the exploitation of mineral resources within the leased area shall be deposited in the State Treasury.

VI.

It is mutually understood and agreed that the RIGHT of the State of Louisiana and/or the United States Army, Corps of Engineers to perform all works necessary for the maintenance of flood control and stream navigability IS RETAINED and that this right is considered paramount and shall take precedence over all others. Further, it is understood and agreed that the LESSEE is PROHIBITED from performing any work, the result of which, would obstruct, diminish or in any manner interfere with the free flow of water located within the leased area.

VII.

It is mutually agreed by and between the LESSOR and the LESSEE that:

(a) the scope of jurisdiction, supervision, management, operation and control of the leased area by LESSEE is limited to the terms of this lease unless otherwise provided for by law;

(b) upon the termination of this agreement the LESSEE shall have the right to remove any and every improvement, installed by LESSEE (of a movable nature) including the wild game located on the leased area.

Should said property not be used by the LESSEE for the purpose above stated during the period of said lease, the lease shall lapse and no rights there under shall hereafter be vested in the LESSEE.

IN WITNESS WHEREOF the parties hereto have signed these presents on the day and date hereinabove set forth and in the presence of the undersigned witnesses after due reading of the whole.

WITNESSES:

LESSOR, STATE OF LOUISIANA, through,

GOVERNOR, STATE OF LOUISIANA, LESSOR

COMMISSIONER, DIVISION OF ADMINISTRATION,
LESSOR

SECRETARY, DEPARTMENT OF NATURAL
RESOURCES, LESSOR

ADMINISTRATOR, STATE LAND OFFICE, LESSOR

LESSEE, through,

SECRETARY, DEPARTMENT OF WILDLIFE AND
FISHERIES, LESSEE

CHAIRMAN, WILDLIFE AND FISHERIES
COMMISSION, LESSEE



RICHARD P. LEYOUS
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
CIVIL DIVISION
BATON ROUGE
70804-9005

One American Place
301 Main Street, Suite 600
P.O. Box 94005
TEL.: (225) 342-7013
FAX: (225) 342-2090

AUG 28 2002
OPINION NO. 02-0339

OPINION NO. 02-0339

65 - MINES & MINERALS
90-B-1 PUBLIC LANDS-Rights of way
172-C WILDLIFE & FISHERIES COMMISSION

Honorable Bernard E. Boudreaux, Jr.
Executive Counsel
Office of the Governor
Fourth Floor, State Capitol
Baton Rouge, LA 70804

La. Constitution Article VII, § 10-A

La. R.S. 41:1173

La. R.S. 56:631

Mineral revenues derived from leasing that portion of the Atchafalaya Bay designated as the Atchafalaya Delta Wildlife Management Area should be remitted or otherwise directed to the Wildlife & Fisheries Conservation Fund. Revenues derived from rights-of-way originating outside and not associated with the exploitation of mineral resources within the Atchafalaya Delta Wildlife Management Area should be deposited in the State Treasury.

Dear Mr. Boudreaux:

You have requested an opinion of this office concerning the proposed terms of the renewal of Lease Contract No. 1132. This proposed renewal lease is between the State of Louisiana, as Lessor, acting through the Governor, Commissioner of Administration, Secretary of the Department of Natural Resources, and the Administrator of the State Land Office; and the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, as Lessee, acting through its Secretary and Chairman.

The proposed renewal lease is for a portion of the Atchafalaya Bay belonging to the State of Louisiana, and designated as the Atchafalaya Delta Wildlife Management Area pursuant to the provisions of Act No. 565 of 1977.

While the Lessor retains the mineral rights and the authority to continue to issue leases for the mineral rights in the leased area, the proposed renewal lease provides for the mineral revenues derived from the leased area to be remitted or otherwise directed to the Wildlife and Fisheries Conservation Fund (La. Constitution Article VII, § 10-A) in accordance with the dedication provided for in La. R.S. 56:631. However, all revenues derived from rights-of-way granted by the Lessor pursuant to La. R.S. 41:1173 that pass through the leased area, but originate outside the leased area and are not associated with the exploitation of mineral resources within the leased area, shall be deposited in the State Treasury.

This office concurs in your opinion, and that of the General Counsel for the Division of Administration, that these provisions of the proposed renewal lease are consistent with the laws and Constitution of the State of Louisiana.

OPINION NO. 02-0339

Honorable Bernard E. Boudreaux

Executive Counsel

Office of the Governor

Page No. 2

P.03/08

If we can be of any further service to you in this matter, please do not hesitate to contact our office.

Very truly yours,

RICHARD P. IEYOUS
ATTORNEY GENERAL

BY:


ROBERT H. CARPENTER, JR.
Assistant Attorney General

RPI/RHC/tp

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 5, 2002.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D.C., and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

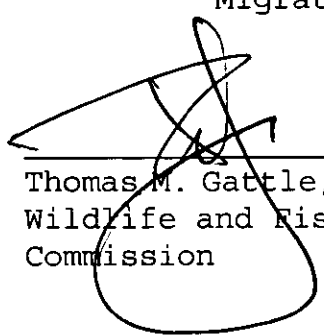
WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and


WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby adopt the attached season dates, bag limits and shooting hours for ducks, geese and coots by Declaration of Emergency, and

BE IT FURTHER RESOLVED that these dates have been forwarded to the U.S. Fish and Wildlife Service as Louisiana's 2002-2003 Migratory Bird Hunting Regulations.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission



James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting season for ducks, coots and geese during the 2002-2003 hunting season shall be as follows:

Ducks and Coots: (60 days)

West Zone:	Nov. 9 (Sat.) - Dec. 8 (Sun.) (30 days)
	Dec. 21 (Sat.) - Jan. 19 (Sun.) (30 days)
East Zone: (Including	Nov. 16 (Sat.) - Dec. 1 (Sun.) (16 days)
Catahoula Lake	Dec. 14 (Sat.) - Jan. 26 (Sun.) (44 days)

Pintail Season Dates: (30 days)

West Zone:	Nov. 9 (Sat.) - Dec. 8 (Sun.) (30 days)
East Zone:	Nov. 16 (Sat.) - Dec. 1 (Sun.) (16 days)
	Dec. 14 (Sat.) - Dec. 27 (Fri.) (14 days)

CANVASBACK SEASON CLOSED

Youth Waterfowl Weekend - Nov. 2-3 in West Zone, Nov. 9-10 in East Zone

Daily Bag Limits: The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be

females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail (during the specified 30 day season only and during youth hunts), 3 scaup, and 2 redhead. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and mergansers is twice the daily bag limit.

GEESE: LIGHT GEESE (SNOW, BLUE and ROSS') and WHITE-FRONTED GEESE

Statewide: (86 days) Nov. 2 (Sat.) - Dec. 8 (Sun.) (37 days)

Dec. 14 (Sat.) - Jan. 31 (Fri.) (49 days)

Daily bag limit on light geese (snow, blue and Ross'): 20

Possession limit on light geese (snow, blue and Ross'): None

Daily Limit on white-fronted geese: 2

Possession Limit on white-fronted geese: 4

CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW

Jan. 18 (Sat.) - Jan. 26 (Sun.) (9 days)

Daily Limit on Canada geese: 1

Possession limit on Canada geese: 2

The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows: Beginning at the Texas State Line, proceeding east along Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal,

then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82.

A special permit shall be required to participate in the **Canada Goose Season**. A permit is required of everyone, regardless of age, and a non-refundable \$5 administrative fee will be charged. This permit may be obtained from any license vendor.

CONSERVATION ORDER FOR LIGHT GEESE (SNOW, BLUE AND ROSS')

Statewide: Dec. 9 (Mon.) - Dec. 13 (Fri.) (5 days)

Feb. 1 (Sat.) - Mar. 9 (Sun.) (37 days)

Only snow, blue and Ross' geese may be taken under the terms of the Conservation Order, which allows the use of electronic calls and unplugged shotguns and eliminates the daily bag and possession limits. During the Conservation Order, shooting hours begin one-half hour before sunrise and extend until one-half hour after sunset.

RAILS: Nov. 9 (Sat.) - Jan. 8 (Wed.) (61 days)

KING AND CLAPPER: Daily bag limit 15 in the aggregate, Possession 30.

SORA AND VIRGINIA: Daily bag and possession 25 in the aggregate.

GALLINULES: Nov. 9 (Sat.) - Jan. 8 (Wed.) (61 days)

Daily bag limit 15, Possession limit 30

SNIPE: Nov. 2 (Sat.) - Dec. 8 (Sun.) (37 days)

Dec. 14 (Sat.) - Feb. 21 (Fri.) (70 days)

Daily bag limit 8, Possession limit 16

Shooting Hours: one-half hour before sunrise to sunset, except at the Spanish Lake Recreation Area in Iberia Parish where shooting hours, including the Conservation Order, end at 2 p.m.

A Declaration of Emergency is necessary because the U. S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 2002 and extend through sunset on March 9, 2003.

Thomas M. Gattle, Jr.

Chairman

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 5, 2002.

- WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D.C., and
- WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and
- WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and
- WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now
- THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby adopt the attached season dates, bag limits and shooting hours for ducks, geese and coots by Declaration of Emergency, and
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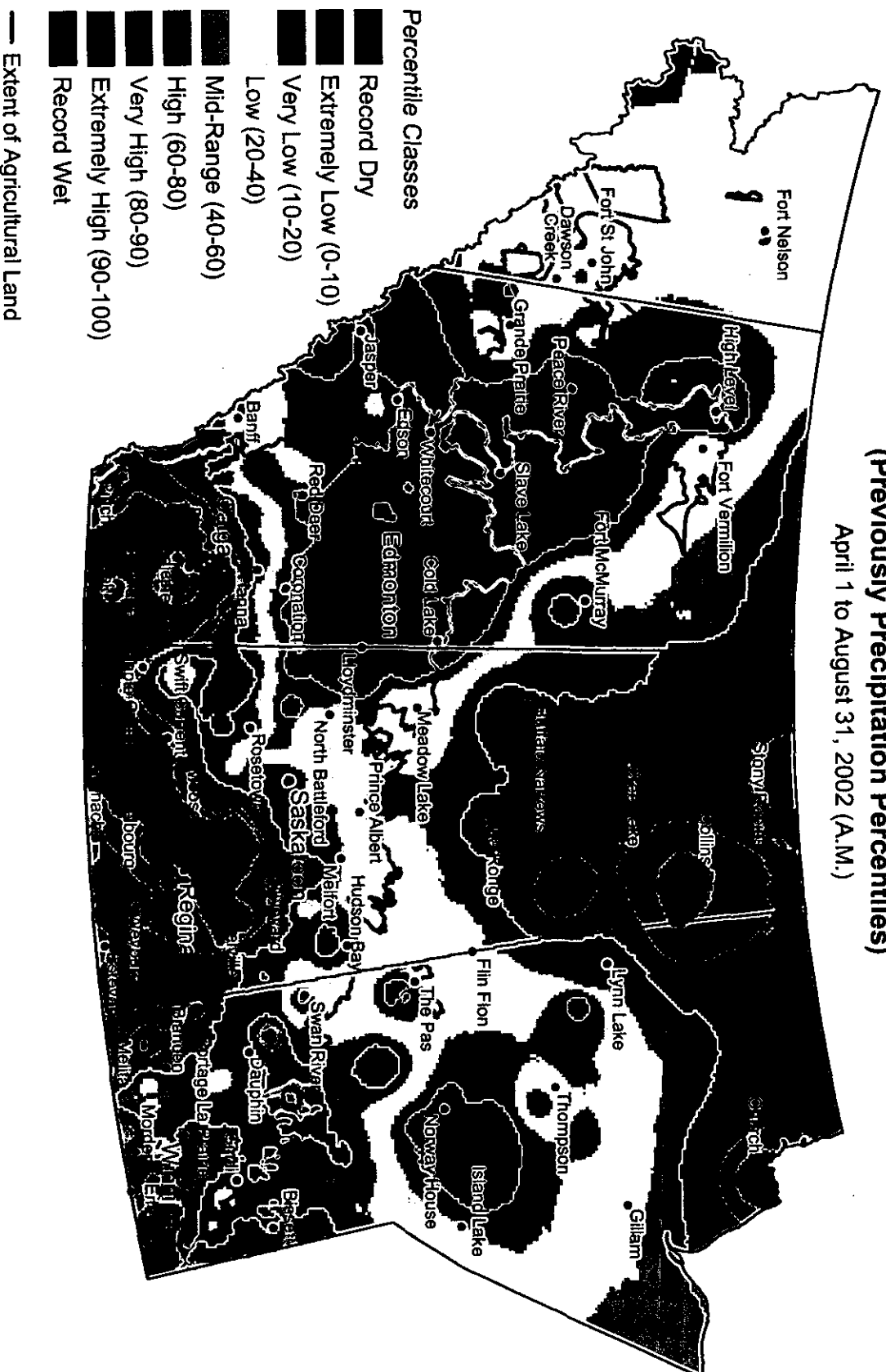
Thomas M. Gattle, Jr.

Chairman



Current Precipitation Compared to Historical Distribution (Previously Precipitation Percentiles)

April 1 to August 31, 2002 (A.M.)



Prepared by PFRA (Prairie Farm Rehabilitation Administration) using data from the Timely Climate Monitoring Network and the many federal and provincial agencies and volunteers that support it.

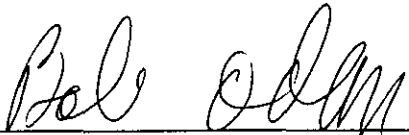
JOINT PRESS RELEASE
Louisiana Department of Agriculture and Forestry, and the
Louisiana Department of Wildlife and Fisheries
September 4, 2002

In a cooperative meeting held today among representatives of the Louisiana Department of Agriculture and Forestry, and the Louisiana Department of Wildlife and Fisheries, all parties agreed to a resolution of the current issues concerning Chronic Wasting Disease (CWD). All parties agreed that there is no evidence that CWD is present in Louisiana at this time. The Department of Agriculture and Forestry and the Department of Wildlife and Fisheries have a prohibition on the importation on deer and elk (cervids) at this time and the prohibitions have been and will continue to be enforced. Any alteration of the prohibitions will take place only after a public hearing and will be based on all scientific information available at the time.

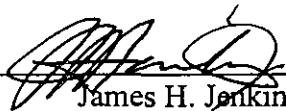
A shipment of 44 deer were allowed to be imported after the Department of Agriculture and Forestry quarantine because (a) they had been purchased prior to the quarantine, and (b) the Louisiana State Veterinarian and the veterinarian of the exporting state agreed that there was no evidence of the presence of CWD. The parties have agreed to acquire the 44 deer from the owners. After the acquisition, the deer will be tested for CWD. Until the testing is complete, no deer will be

moved in or out of the pens in which the 44 deer are located. If all tests are negative, no further action will be needed. If any tests are positive, the deer which have been co-mingled with the positive deer will be quarantined for further action.

The Department of Agriculture and Forestry and the Department of Wildlife and Fisheries will jointly apply for federal assistance to reimburse the acquisition costs. Both departments have also agreed that an aggressive testing program will be implemented with regard to all animals under their control and regulation.



Bob Odom
Commissioner of Department of Agriculture
and Forestry



James H. Jenkins, Jr.
Secretary of Department of Wildlife and
Fisheries

C O V E R

S H E E T



FAX

To: Tom Gattle, 318-559-1524
Bill Busbice, 337-837-1423
Wayne Sagrera, 337-893-7709
Tom Kelly, 337-276-7867
Jerry Stone, 225-216-3175
Terry Denmon, 318-361-5036
Lee Felterman, 985-385-0139

Subject: Joint Press Release

Date: September 4, 2002

Pages: 3, including this cover sheet.

COMMENTS:

Mr. Jenkins asked that each of you receive a copy of today's Joint Press Release between this Department and the Department of Agriculture and Forestry relative to CWD.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and
- WHEREAS, although the Louisiana Department of Wildlife and Fisheries and Louisiana Department of Agriculture and Forestry has licensed approximately 250 captive deer or elk enclosures of various types, the deer and elk industry in Louisiana is relatively small, and
- WHEREAS, in contrast, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and
- WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs

in Louisiana's wild deer, and

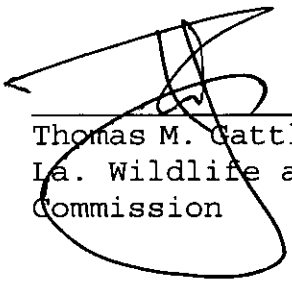
WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 28 states have placed a moratorium on deer importation, and


WHEREAS, the Louisiana Wildlife and Fisheries Commission has promulgated rules prohibiting the importation of deer and elk into Louisiana, and

WHEREAS, without an explicit prohibition against the possession of illegally imported deer, and a requirement to maintain adequate documentation of the source of captive deer, the effectiveness of the importation rule may be limited, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the attached Declaration of Emergency prohibiting possession of illegally imported deer, and requiring documentation of the source of captive deer, are adopted by the Louisiana Wildlife and Fisheries Commission.



Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission



James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R. S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule.

This rule is effective September 5, 2002 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The reasons for the promulgation of this Declaration of Emergency are as follows:

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South

Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal is infected until it exhibits symptoms) is at least 18 months and may be as long as 3-5 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes.

There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. These movements are often from state to state. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are

dispersed across the United States. Accurate and verifiable records of where animals have been, and what animals they have been in contact with, are seldom available. In some states, including Louisiana, captive deer and elk may be introduced into large enclosures containing wild deer. Once introduced into large, often heavily vegetated enclosures, the animals usually cannot be monitored or re-captured. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Agriculture and Forestry has licensed approximately 120 alternative livestock farms that average about 12 acres in size and contain an average of about 10 - 20 deer each. In addition, 15 supplemented hunting preserves that are at least 300 acres each are licensed by LDAF. These supplemented hunting preserve enclosures may contain both released deer and native wild deer. The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. The deer and elk farming industry in Louisiana is small, and as a whole, not highly dependent on imported deer. In 2000, the LDAF issued only 10 importation permits involving 57 deer.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in

Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The 1996 *National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to effectively contain and monitor a CWD outbreak. By way of example, the Governor of Wisconsin has estimated that \$22,000,000 will be needed to address the CWD outbreak in that state. The Colorado Division of Wildlife requested \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has

already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374-square mile area for testing. In Colorado, the Division of Wildlife is killing as many deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states, including Texas, Mississippi, and Arkansas. Other states have developed rules that require that imported deer and elk must originate from herds that have been certified free of CWD for at least 5 years. However,

because few, if any, herds in the United States can meet that standard, this rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, unless there is an explicit prohibition against the possession of illegally imported deer, and a requirement to maintain adequate documentation of the source of the deer, the effectiveness of the importation rules may be limited. This puts Louisiana's wild deer herd at increased risk for introduction of CWD. Introduction of CWD into Louisiana could have wide-ranging and significant negative impacts on the state's wild deer resources and economy. For these reasons and those outlined above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on possession of illegally imported deer and a requirement to maintain documentation of the source of captive deer is warranted.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§117. Deer and Elk Importation

A. Definitions

Elk or red deer - any animal of the species Cervus

elaphus.

Mule deer or black-tailed deer - any animal of the species Odocoileus hemionus.

White-tailed deer - any animal of the species Odocoileus virginianus.

B. No person shall import, transport or cause to be imported or transported live white-tailed deer, mule deer, or black-tailed deer (hereinafter "deer"), into or through the State of Louisiana. No person shall import, transport or cause to be imported or transported, live elk or red deer (hereinafter "elk") into or through Louisiana in violation of any Imposition of Quarantine by the Louisiana Livestock Sanitary Board. Any person transporting deer or elk between licensed facilities within the state must notify the Department of Wildlife and Fisheries and provide information as required by the Department prior to departure from the source facility and again upon arrival at the destination facility. A transport identification number will be issued upon providing the required information prior to departure. Transport of deer or elk between licensed facilities without a valid transport identification number is prohibited. Notification must be made to the Enforcement Division at 1-800-442-2511. All deer or elk imported or transported into or through this state in violation of the provisions of this ban shall be seized and disposed of in accordance with LWFC and Department of Wildlife and Fisheries rules

and regulations.

C. No person shall receive or possess deer or elk imported or transported in violation of this rule. Any person accepting delivery or taking possession of deer or elk from another person has a duty to review and maintain bills of sale, bills of lading, invoices, and all other documents which indicate the source of the deer or elk.

D. This rule shall be in effect until May 30, 2005.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:1140 (June 1998), repromulgated LR 24:1325 (July 1998), amended LR 28: .

Thomas M. Gattle, Jr.

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and
- WHEREAS, although the Louisiana Department of Wildlife and Fisheries and Louisiana Department of Agriculture and Forestry has licensed approximately 250 captive deer or elk enclosures of various types, the deer and elk industry in Louisiana is relatively small, and
- WHEREAS, in contrast, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and
- WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs

in Louisiana's wild deer, and

WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 28 states have placed a moratorium on deer importation, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has promulgated rules prohibiting the importation of deer and elk into Louisiana, and

WHEREAS, without an explicit prohibition against the possession of illegally imported deer, and a requirement to maintain adequate documentation of the source of captive deer, the effectiveness of the importation rule may be limited, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the attached Declaration of Emergency prohibiting possession of illegally imported deer, and requiring documentation of the source of captive deer, are adopted by the Louisiana Wildlife and Fisheries Commission.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R. S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule.

This rule is effective September 5, 2002 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The reasons for the promulgation of this Declaration of Emergency are as follows:

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South

Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal is infected until it exhibits symptoms) is at least 18 months and may be as long as 3-5 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes.

There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. These movements are often from state to state. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are

dispersed across the United States. Accurate and verifiable records of where animals have been, and what animals they have been in contact with, are seldom available. In some states, including Louisiana, captive deer and elk may be introduced into large enclosures containing wild deer. Once introduced into large, often heavily vegetated enclosures, the animals usually cannot be monitored or re-captured. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Agriculture and Forestry has licensed approximately 120 alternative livestock farms that average about 12 acres in size and contain an average of about 10 - 20 deer each. In addition, 15 supplemented hunting preserves that are at least 300 acres each are licensed by LDAF. These supplemented hunting preserve enclosures may contain both released deer and native wild deer. The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. The deer and elk farming industry in Louisiana is small, and as a whole, not highly dependent on imported deer. In 2000, the LDAF issued only 10 importation permits involving 57 deer.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in

Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The 1996 *National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to effectively contain and monitor a CWD outbreak. By way of example, the Governor of Wisconsin has estimated that \$22,000,000 will be needed to address the CWD outbreak in that state. The Colorado Division of Wildlife requested \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has

already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374-square mile area for testing. In Colorado, the Division of Wildlife is killing as many deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states, including Texas, Mississippi, and Arkansas. Other states have developed rules that require that imported deer and elk must originate from herds that have been certified free of CWD for at least 5 years. However,

because few, if any, herds in the United States can meet that standard; this rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, unless there is an explicit prohibition against the possession of illegally imported deer, and a requirement to maintain adequate documentation of the source of the deer, the effectiveness of the importation rules may be limited. This puts Louisiana's wild deer herd at increased risk for introduction of CWD. Introduction of CWD into Louisiana could have wide-ranging and significant negative impacts on the state's wild deer resources and economy. For these reasons and those outlined above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on possession of illegally imported deer and a requirement to maintain documentation of the source of captive deer is warranted.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§117. Deer and Elk Importation

A. Definitions

Elk or red deer - any animal of the species Cervus

elaphus.

Mule deer or black-tailed deer - any animal of the species Odocoileus hemionus.

White-tailed deer - any animal of the species Odocoileus virginianus.

B. No person shall import, transport or cause to be imported or transported live white-tailed deer, mule deer, or black-tailed deer (hereinafter "deer"), into or through the State of Louisiana. No person shall import, transport or cause to be imported or transported, live elk or red deer (hereinafter "elk") into or through Louisiana in violation of any Imposition of Quarantine by the Louisiana Livestock Sanitary Board. Any person transporting deer or elk between licensed facilities within the state must notify the Department of Wildlife and Fisheries and provide information as required by the Department prior to departure from the source facility and again upon arrival at the destination facility. A transport identification number will be issued upon providing the required information prior to departure. Transport of deer or elk between licensed facilities without a valid transport identification number is prohibited. Notification must be made to the Enforcement Division at 1-800-442-2511. All deer or elk imported or transported into or through this state in violation of the provisions of this ban shall be seized and disposed of in accordance with LWFC and Department of Wildlife and Fisheries rules

and regulations.

C. No person shall receive or possess deer or elk imported or transported in violation of this rule. Any person accepting delivery or taking possession of deer or elk from another person has a duty to review and maintain bills of sale, bills of lading, invoices, and all other documents which indicate the source of the deer or elk.

D. This rule shall be in effect until May 30, 2005.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:1140 (June 1998), repromulgated LR 24:1325 (July 1998), amended LR 28: .

Thomas M. Gattle, Jr.

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.


- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and
- WHEREAS, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and
- WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and
- WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 29 states, including Louisiana, have placed a moratorium on deer importation, and

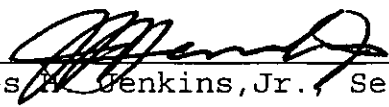
WHEREAS, the Louisiana Department of Wildlife and Fisheries is authorized to issue game breeder licenses for deer in accordance with Louisiana Wildlife and Fisheries Commission rules, and

WHEREAS, continued proliferation and expansion of deer pens into new areas of Louisiana places the health of wild deer herds at risk, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the attached Declaration of Emergency and Notice of Intent prohibiting the issuance of new game breeder licenses for deer are adopted by the Louisiana Wildlife and Fisheries Commission.



Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission



James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule.

This rule is effective September 5, 2002 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The reasons for the promulgation of this Declaration of Emergency are as follows:

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South

Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal is infected until it exhibits symptoms) is at least 18 months and may be as long as 3-5 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes.

There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are dispersed across the United States.

Accurate and verifiable records of where animals have been, and what animals they have been in contact with, are seldom available. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. These game breeders are usually small, non-commercial operations that keep deer for exhibit or pets. The Louisiana Department of Agriculture and Forestry licenses commercial deer and elk facilities. The deer and elk farming industry in Louisiana is relatively small.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The *1996 National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to

effectively contain and monitor a CWD outbreak. By way of example, the Governor of Wisconsin has estimated that approximately \$22,000,000 will be needed over the next 3 years to address the CWD outbreak in that state. The Colorado Division of Wildlife has requested an additional \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374 square mile

area. In Colorado, the Division of Wildlife is killing as many deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states including Texas, Arkansas, and Mississippi. Other states have developed rules that require that imported deer and elk originate from herds that have been certified free of CWD for at least 5 years. However, because few, if any, herds in the United States can meet that standard, this rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, CWD infected animals could have entered Louisiana prior to this action, or may have been imported in violation of this action. Continued issuance of new game breeder licenses for deer increases the potential exposure of wild deer to

CWD. Allowing captive deer herds to proliferate and expand into new areas of Louisiana increases the opportunity for unwanted contact between wild and captive deer. In the event of a CWD outbreak in Louisiana, the presence of captive deer could hinder CWD control and eradication efforts. For these reasons and those outlined above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on the issuance of new game breeder licenses for deer is warranted. This prohibition will remain in effect until no longer necessary.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. * * *

8. White-tailed Deer or Other North American Deer

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this

prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife, son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

ab. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

bc. Single Animal: 5000 square feet paddock or corral (For example: 50 feet wide x 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

ed. Materials: Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.

e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division office within 48 hours of the time of death, but are encouraged to report the death sooner if possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29: .

Thomas M. Gattle, Jr.

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the section on white-tailed deer within the Game Breeder's License rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. * * *

8. WHITETAIL DEER OR OTHER NORTH AMERICAN DEER

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife,

son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

ab. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

bc. Single Animal: 5000 square feet paddock or corral (For example: 50 feet wide x 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

cd. Materials: Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.

e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division office within 48 hours of the time of death, but are encouraged to report the death sooner if possible.

B.9. - C.5. * * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631

(September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29: .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to .

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and
- WHEREAS, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and
- WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and
- WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 29 states, including Louisiana, have placed a moratorium on deer importation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries is authorized to issue game breeder licenses for deer in accordance with Louisiana Wildlife and Fisheries Commission rules, and

WHEREAS, continued proliferation and expansion of deer pens into new areas of Louisiana places the health of wild deer herds at risk, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the attached Declaration of Emergency and Notice of Intent prohibiting the issuance of new game breeder licenses for deer are adopted by the Louisiana Wildlife and Fisheries Commission.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX Sec. 7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule.

This rule is effective September 5, 2002 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The reasons for the promulgation of this Declaration of Emergency are as follows:

Chronic Wasting Disease (CWD) is a neurodegenerative disease that has been found in captive and free-ranging deer and elk herds in nine states. In 1998, the LWFC prohibited importation of white-tailed deer from Wyoming and Colorado, states with endemic CWD in certain populations of free-ranging deer. Since that time, cases of CWD have been found in at least 21 captive deer or elk herds in Colorado, South Dakota, Oklahoma, Nebraska, Montana, Kansas, and the Canadian provinces of Saskatchewan and Alberta. In addition to the CWD cases in captive deer and elk, and those in the CWD endemic area of southeastern Wyoming and north-central Colorado, the disease has been found in free-ranging deer in Nebraska, South

Dakota, New Mexico, and Wisconsin. The cases in Wisconsin, found in March 2002, are the first east of the Mississippi River. Recently, CWD has been found in free-ranging deer in western Colorado. These are the first CWD cases found outside of the endemic area in the northeastern part of that state. Several of the CWD outbreaks in wild deer appear to be associated with captive elk herds.

CWD is a poorly understood disease related to other transmissible spongiform encephalopathies such as Bovine Spongiform Encephalopathy (Mad Cow Disease) of cattle, Creutzfeld-Jakob Disease of humans, and scrapie of sheep. Mutant proteins, called prions, are believed to be the infectious agent responsible for CWD. Current information suggests that the disease is limited to deer and elk, and is not naturally transmitted to livestock or humans. The means by which CWD is transmitted is not known, but it is probably transmitted from animal to animal. Maternal transmission from infected does to fawns is also thought to occur. There is no cure or treatment for CWD, and it is always fatal.

CWD is a particularly difficult disease to detect and control. The incubation period (time from which the animal is infected until it exhibits symptoms) is at least 18 months and may be as long as 3-5 years. Until symptoms appear, infected animals appear normal. Symptoms of CWD include weight loss, excessive salivation, depression, dehydration, general weakness, and behavioral changes.

There is no live animal test for CWD. Examination of brain tissue from dead animals is the only means of positive diagnosis. The agent that causes CWD is extremely resistant to traditional disinfection techniques. It is not known how long the infectious agent can persist in the soil or other media, but some evidence indicates that the infectious agent can persist for an extended period of time.

Interstate and intrastate movement of infected captive deer and elk can quickly spread CWD beyond those areas where it already occurs. Strong circumstantial evidence suggests that CWD outbreaks in free ranging deer in Colorado, Nebraska, and South Dakota are related to captive elk enclosures.

Trade in captive deer and elk lend itself to the spread of CWD. Deer and elk are frequently transferred from one owner to another. For example, at least 109 elk movements which occurred during 1982-97, were indirectly or directly traced back to a single CWD positive captive elk herd in Montana. Elk from this herd were sent to at least 12 states and 2 Canadian provinces. Elk from a CWD infected Colorado herd were sent to 19 states and introduced into 45 herds. A CWD outbreak in Saskatchewan, Canada that affected 39 elk herds was traced back to a single elk from South Dakota. Exotic animal auctions are another source of concern. At these auctions, a large number of animals come into contact with each other and then are dispersed across the United States.

Accurate and verifiable records of where animals have been, and what animals they have been in contact with, are seldom available. Enclosures are not escape-proof and escapes or fence to fence contact with free ranging wild deer can be expected.

The Louisiana Department of Wildlife and Fisheries licenses about 115 non-commercial game breeders that possess deer. These game breeders are usually small, non-commercial operations that keep deer for exhibit or pets. The Louisiana Department of Agriculture and Forestry licenses commercial deer and elk facilities. The deer and elk farming industry in Louisiana is relatively small.

In contrast, recreation associated with wild deer and wild deer hunting has significant economic impact in Louisiana. In 2001, there were approximately 172,000 licensed deer hunters in Louisiana. There were also an undetermined number that were not required to have a license (under age 16 or over age 60). The 1996 *National Survey of Fishing, Hunting and Wildlife Associated Recreation* reports that deer hunting in Louisiana has an economic impact of \$603,909,581 per year and provides over 8,500 jobs. Many landowners receive income from land leased for deer hunting. Recreation has been the driving force maintaining rural and timberland real estate values during the last several years.

The cost of a CWD outbreak in Louisiana could be substantial. State government could incur considerable costs in order to

effectively contain and monitor a CWD outbreak. By way of example, the Governor of Wisconsin has estimated that approximately \$22,000,000 will be needed over the next 3 years to address the CWD outbreak in that state. The Colorado Division of Wildlife has requested an additional \$2,300,000 in FY 2002/03 to address CWD outbreaks in their state.

In addition to the cost to government, the private sector would be affected by a CWD outbreak in Louisiana. Interest in deer hunting would likely decline if significantly lower deer populations result. Additionally, hunter concerns regarding contact with, or consumption of, infected animals could also reduce deer hunting activity. Lower hunting lease values and fewer hunting related retail purchases would therefore be likely. In Wisconsin, Department of Natural Resources personnel report that a significant decline in land value in the CWD affected area has already occurred. A significant reduction in deer hunting activity could also have deleterious effects on agriculture, horticulture, and forestry resulting from increased deer depredation of crops, ornamentals, and trees if the reduction in hunting mortality is not offset by CWD mortality.

The primary means of containing a CWD outbreak involves depopulating an area surrounding the infection site(s). By way of example, Wisconsin Department of Natural Resources personnel and landowners are attempting to kill 25,000 deer in a 374 square mile

area. In Colorado, the Division of Wildlife is killing as many deer and elk as possible in a 5-mile radius of the CWD outbreak in western Colorado. These types of depopulation efforts are offensive to wildlife agencies, hunters, and other citizens. However, this is the only available means to control CWD outbreaks in wild free-ranging deer.

In recognition of the CWD threat, and lack of a coordinated eradication/control effort, the United States Department of Agriculture enacted a declaration of emergency in September 2001 to authorize funding of a CWD indemnification and eradication program in the United States. Prohibitions on the importation of deer and elk have been instituted in at least 28 states including Texas, Arkansas, and Mississippi. Other states have developed rules that require that imported deer and elk originate from herds that have been certified free of CWD for at least 5 years. However, because few, if any, herds in the United States can meet that standard, this rule is effectively an importation prohibition.

In May 2002, the Louisiana Wildlife and Fisheries Commission by Declaration of Emergency and accompanying Notice of Intent, prohibited the importation into, or transport through, Louisiana of deer and elk. However, CWD infected animals could have entered Louisiana prior to this action, or may have been imported in violation of this action. Continued issuance of new game breeder licenses for deer increases the potential exposure of wild deer to

CWD. Allowing captive deer herds to proliferate and expand into new areas of Louisiana increases the opportunity for unwanted contact between wild and captive deer. In the event of a CWD outbreak in Louisiana, the presence of captive deer could hinder CWD control and eradication efforts. For these reasons and those outlined above, the Louisiana Wildlife and Fisheries Commission believes that an immediate prohibition on the issuance of new game breeder licenses for deer is warranted. This prohibition will remain in effect until no longer necessary.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. * * *

8. White-tailed Deer or Other North American Deer

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this

prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife, son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

ab. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

bc. Single Animal: 5000 square feet paddock or corral (For example: 50 feet wide x 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

cd. Materials: Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.

e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division office within 48 hours of the time of death, and preserve the carcass as instructed by the Wildlife Division, but are encouraged to report the death sooner if possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29: .

Thomas M. Gattle, Jr.

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the section on white-tailed deer within the Game Breeder's License rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. - B.7. * * *

8. WHITETAIL DEER OR OTHER NORTH AMERICAN DEER

a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife,

son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.

ab. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.

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B.9. - C.5. * * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631

(September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29: .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to .

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in ten states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and
- WHEREAS, although the Louisiana Department of Wildlife and Fisheries and Louisiana Department of Agriculture and Forestry has licensed approximately 250 captive deer or elk enclosures of various types, the deer and elk industry in Louisiana is relatively small, and
- WHEREAS, in contrast, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and
- WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and

WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 29 states, including Louisiana, have placed a moratorium on deer importation, and

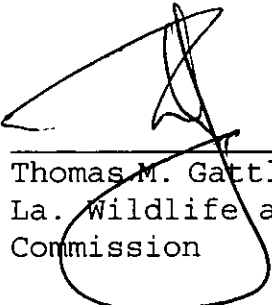
WHEREAS, the Louisiana Department of Wildlife and Fisheries is authorized to issue game breeder licenses for deer in accordance with Louisiana Wildlife and Fisheries Commission rules and the Louisiana Department of Agriculture and Forestry is authorized to issue alternative livestock licenses for farm-raised deer and elk, and

WHEREAS, continued proliferation and expansion of deer pens into new areas of Louisiana places the health of wild deer herds at risk, and


WHEREAS, the Louisiana Wildlife and Fisheries Commission has promulgated a Declaration of Emergency and accompanying Notice of Intent prohibiting the issuance of new game breeder licenses for deer, and

WHEREAS, captive deer enclosures may still expand into new areas of Louisiana if licensing of new deer farms by the Louisiana Department of Agriculture and Forestry continues, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the Louisiana Wildlife and Fisheries Commission urges and requests that the Louisiana Commissioner of Agriculture and the Louisiana Department of Agriculture and Forestry place a moratorium on the issuance of new alternative livestock licenses for deer and elk.



Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission



James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries



James H. Jenkins, Jr.
Secretary

Department of Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(225) 765-2800

M.J. "Mike" Foster, Jr.
Governor

September 5, 2002

Bob Odom, Commissioner
Louisiana Department of Agriculture and Forestry
P.O. Box 631
Baton Rouge, LA 70821-0631

Dear Commissioner Odom,

At the September 5, 2002 meeting of the Louisiana Wildlife and Fisheries Commission, a Declaration of Emergency and Notice of Intent placing a moratorium on the issuing of new game breeder licenses for deer by this department was adopted. This action was taken to stop the expansion and proliferation of deer enclosures that serve as potential avenues for the spread of chronic wasting disease (CWD) to wild deer. However, without similar action by your department, this effort to protect Louisiana's wild deer from CWD will be ineffective.

Attached is a resolution adopted by the Louisiana Wildlife and Fisheries Commission urging and requesting the Louisiana Department of Agriculture and Forestry to take similar action, and place a moratorium on new alternative livestock licenses for deer and elk. I urge you to give favorable consideration to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Jenkins, Jr.", is written over a horizontal line.

James H. Jenkins, Jr.
Secretary

cc: Governor M. J. Foster, Jr.
Sen. Craig Romero, Chairman, Senate Natural Resources Committee
Sen. Mike Smith, Chairman, Senate Agriculture Committee
Rep. Wilfred Pierre, Chairman, House Natural Resources Committee
Rep. Rep. Francis Thompson, House Agriculture Committee
C.A. "Buck" Vandersteen, LA Forestry Assoc.

An Equal Opportunity Employer

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 5, 2002

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 5, 2002.

- WHEREAS, chronic wasting disease is a neurodegenerative disease found in captive deer and elk in nine states, as well as, in free ranging deer in 6 states, and
- WHEREAS, chronic wasting disease is a poorly understood disease that is related to bovine spongiform encephalopathy (mad cow disease) of cattle, Creutzfeld-Jakob disease of humans, scrapie of sheep, and is always fatal, and
- WHEREAS, there is no live animal test for chronic wasting disease, and
- WHEREAS, evidence has shown that interstate and intrastate movement of deer and elk can quickly spread chronic wasting disease, and
- WHEREAS, evidence from other states strongly suggests that chronic wasting disease has spread from captive deer and elk herds to free ranging deer, and
- WHEREAS, the infectious agent that causes chronic wasting disease is resistant to traditional disinfection techniques and apparently survives in the environment for an extended period of time, and
- WHEREAS, although the Louisiana Department of Wildlife and Fisheries and Louisiana Department of Agriculture and Forestry has licensed approximately 250 captive deer or elk enclosures of various types, the deer and elk industry in Louisiana is relatively small, and
- WHEREAS, in contrast, the economic impact of deer hunting is in excess of \$600,000,000 per year in Louisiana, providing over 8,500 jobs, and
- WHEREAS, the cost to the state and private sector would be substantial if a chronic wasting disease outbreak occurs in Louisiana's wild deer, and

WHEREAS, the primary means of containing a chronic wasting disease outbreak is killing as many deer as possible in an area surrounding the outbreak, and

WHEREAS, the United States Department of Agriculture has enacted a declaration of emergency to address chronic wasting disease and at least 29 states, including Louisiana, have placed a moratorium on deer importation, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries is authorized to issue game breeder licenses for deer in accordance with Louisiana Wildlife and Fisheries Commission rules and the Louisiana Department of Agriculture and Forestry is authorized to issue alternative livestock licenses for farm-raised deer and elk, and

WHEREAS, continued proliferation and expansion of deer pens into new areas of Louisiana places the health of wild deer herds at risk, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has promulgated a Declaration of Emergency and accompanying Notice of Intent prohibiting the issuance of new game breeder licenses for deer, and

WHEREAS, captive deer enclosures may still expand into new areas of Louisiana if licensing of new deer farms by the Louisiana Department of Agriculture and Forestry continues, and

THEREFORE BE IT RESOLVED, in order to protect Louisiana's wild deer resources, the Louisiana Wildlife and Fisheries Commission urges and requests that the Louisiana Commissioner of Agriculture and the Louisiana Department of Agriculture and Forestry place a moratorium on the issuance of new alternative livestock licenses for deer and elk.

Thomas M. Gattle, Jr. Chairman
La. Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and
Fisheries

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby suspend a portion of the alligator tag fee.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. - 3. ***

4. Licenses, Permits and Fees

a. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

* * *

xi. \$4 for each alligator hide tag; provided however, that this Commission does hereby suspend the collection of \$2 of the \$4 tag fee. This suspension shall commence in September 2002 and continue for a period of 2 years or until such time this Commission takes further action, whichever occurs first.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28: (September 2002).

Thomas M. Gattle, Jr.

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby advertise its intent to establish a coastwide nutria control program.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§123. Coastwide Nutria Control Program

The Department of Wildlife and Fisheries does hereby establish regulations governing participation in the coastwide nutria control program. The administrative responsibility for this program shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. The coastwide nutria control program objective is to provide economic incentive, by payment of \$4 per nutria tail to participants, to encourage the harvest of up to 400,000 nutria annually from coastal Louisiana. For the purpose of this program, coastal Louisiana is bounded on the north by Interstate 10 from the Louisiana-Texas line to Baton Rouge, Interstate 12 from Baton Rouge to Slidell, and Interstate 10 to the Louisiana-Mississippi line.

2. Participant Application Process

a. Participants must acquire a valid Louisiana

trapping license.

b. Participants must submit a completed nutria control program participant application to the department or its contractor.

c. To be considered complete, the application must contain the following information: name, address, telephone number, social security number, and trapping license number of applicant; tax receipt and a description of property to be trapped/hunted (acres, parish, township, range, section); name, address, and telephone number of landowner (private or public); signature of participant; and signature of landowner or designated representative indicating permission to hunt or trap nutria on the described property.

d. For applications determined to be complete and valid, the participant will be notified by mail that his/her registration is finalized and a nutria control program registration number will be issued.

e. The participant must indicate if an assistant will be delivering tails on his behalf to a collection center and the participant must provide the name of the assistant(s) on the application.

f. Applications submitted to the department or its contractor by October 1 shall be processed by the opening of trapping season. Applications submitted to the department or its

contractor after October 1 shall be processed in the order received.

g. Applications listing only waterbodies, without signature of an adjacent landowner or designated representative, shall be considered incomplete.

h. Applications determined to be incomplete or invalid will be returned to the applicant with an explanation as to why registration could not be finalized.

3. Harvest of Nutria

a. Participants must possess a valid trapping license and a nutria control program registration number.

b. Only nutria harvested during the open trapping season can be included in this program.

c. Nutria may be taken by any legal method except that if taken with a shotgun, steel shot must be used.

d. Participants are required to remove carcasses from the trapping/hunting area ^{a place} if carcasses are not sold whole, they must be placed in such a manner as to prohibit feeding on the carcasses by birds, including southern bald eagles. Carcasses may be buried, placed in heavy overhead vegetation or concealed by any other means necessary to prevent consumption by birds.

4. Collection of Nutria Tails for Payment

a. Collection stations will be established across coastal Louisiana by the department or its contractor.

b. Evidence of nutria harvested shall be in the form of delivering severed nutria tails to a collection station during a designated period. Collections will begin on or about November 20th. Specific dates and times of collections will be established and advertised for each station.

c. Participant or a designated assistant must present the nutria control registration number and proper identification to the department contractor.

d. Participant or designated assistant shall present to the department contractor only fresh or well-preserved (iced, frozen, salted) nutria tails in a manner that allows counting of individual tails (e.g., tails cannot be frozen together in a block). Only whole tails, greater than 7 inches in length will be accepted.

e. Participant shall declare parish, section, township, and range where animals were taken and indicate method of take and carcass use.

f. Participant shall sign the receipt/voucher provided by the department contractor to acknowledge number of tails presented and accuracy of information provided.

5. Violation of any part of these regulations is a class 2 violation and conviction may result in disqualification from the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Brandt Savoie, Fur & Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to , , 2002.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.

Chairman

Hawkins, Susan

From: Savoie, Brandt
Sent: Tuesday, August 27, 2002 2:12 PM
To: Hawkins, Susan
Subject: NOI Nutria Control Program

Susan, the change is in bold print on page 3. Thanks.

Brandt

8/27/02

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby establishes the following rule on commercial netting in Cypress Lake and Black Bayou Reservoir in Bossier Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§195. Cypress Lake and Black Bayou Reservoir Netting Prohibition

The Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, and fish seines in Cypress Lake and Black Bayou Reservoir, Bossier Parish, Louisiana.

Effective with this prohibition, no person shall possess any gill net, trammel net or fish seine while on the waters of Cypress Lake or Black Bayou Reservoir. In addition, no person shall take, possess or sell any fish, which was taken with a gill net, trammel net or fish seine from Cypress Lake or Black Bayou Reservoir.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

Thomas M. Gattle, Jr.

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on paddlefish (Polyodon spathula) in portions of Louisiana.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§137. Paddlefish

~~The prohibition on the taking and possession of paddlefish, Polyodon spathula, commonly called spoonbill catfish, or paddlefish body parts, including eggs (roe) is to continue indefinitely. This rule will take effect on November 1, 1992.~~

A. The incidental taking of paddlefish (Polyodon spathula) in all waters of Louisiana excluding border waters shared with Texas and Mississippi shall be regulated by the following provision. Paddlefish as referred herein shall include roe and any parts thereof.

1. General (Recreational and Commercial)

a. Season - Open season shall be from June 1st of each year through September 30th.

b. Size - ~~No size restrictions.~~

*No size restrictions - see take, common
3 limits are established - R.S. 56:26 A. 8. -
32
15 pounds*

c. No person shall possess, sell, barter, trade, exchange or transport or attempt to sell, barter, trade or exchange paddlefish taken during closed season. *Nov / date ??*

2. Recreational

a. Daily limit - 5; No person shall at any time possess in excess of a daily limit taken recreationally.

b. Paddlefish taken recreationally shall not be sold, bartered, traded or exchanged or attempted to be sold, bartered, traded or exchanged.

3. Commercial

a. Incidental take only - No person shall possess, sell, trade or exchange in excess of 50 percent of paddlefish by weight or count, than other commercial fish in possession at any time or in excess of 25 paddlefish.

b. During the open commercial season Paddlefish taken with legal commercial gear may be sold as incidental take. Paddlefish sold shall be sold with other commercial fish harvested.

✓. Licensed dealers may sell paddlefish without restrictions to incidental take percentages. Nothing shall prohibit the possession or sale of fish legally taken prior to the commercial closure for a period of 15 days providing that all commercial dealers possessing Paddlefish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5.

B. This rule shall become effective June 1, 2003.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:317, R.S. 56:325.C.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:368 (June 1986), LR 15:868 (October 1989); amended by the Office of Fisheries, LR 18:978 (September 1992), amended by the Wildlife and Fisheries Commission, LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments of the amended rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, November 7, 2002.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.

Chairman

PADDLEFISH MANAGEMENT TIME LINE - LOUISIANA

Paddlefish heavily exploited in late 1800's throughout its range for roe and flesh (peak landings in **1899**; Louisiana is no exception.

1914 - Louisiana becomes the first state to regulate paddlefish and closes all state waters to the taking of paddlefish from Jan. 15 to July 15 of each year, and imposes a 12" minimum length the remainder of the year.

Declared a commercial species in the **1950's** when a 15 pound minimum size was established for commercial fisheries.

Heavy commercial fishing from non-resident fishermen in **1984** and **1985** prompted LDWF to take emergency action to close the season until studies could be completed.

1986 - Louisiana closes all state waters to commercial fishing in order to gather biological data on paddlefish; however, recreational fishermen may possess one "incidental" paddlefish per day

Time period from **1966** to **1986** or 20 years leading up to closure indicate paddlefish landings are incidental to catfish and buffalo landings; average annual landings - 27,000 pounds annually.

1989 - Louisiana reviews initial data and concludes many populations are "stressed", possibly from over fishing. The fishery is then closed to all user groups while studies continue and stocks recover.

1991 - Louisiana becomes the third state to successfully locate and spawn mature paddlefish. Fry are reared to fingerlings and stocked in LA waters as recovery and re-introductions begin.

1991 - Louisiana begins a cooperative venture with the **USFWS** and **Texas** to re-establish paddlefish in the Sabine River drainage as historical stocks were lost with the impoundment of Toledo Bend.

1991 - Draft paddlefish management plan completed by LDWF.

1992 - A national paddlefish/sturgeon subcommittee of the Mississippi Interstate Cooperative Resource Association (**MICRA**) is formed to address paddlefish and sturgeon issues within the Mississippi River basin

1992 - States fight off attempt by **USFWS** to list paddlefish as a threatened species under the **ESA of 1973**. Implementation of management plans, and restocking efforts demonstrate to the feds that states are serious about protection, conservation and management of paddlefish.

1992 - Paddlefish are listed as an Appendix II species under **CITES**, leading to additional protection and international trade restrictions of its products.

1992 - Hurricane Andrew kills an estimated 100,000 adult and sub adult paddlefish in the Atchafalaya Basin.

1993 - The **MICRA** paddlefish/sturgeon subcomm completes a comprehensive strategic plan to address paddlefish management needs across the basin.

1995 - The **MICRA** paddlefish/sturgeon subcomm launches a basin wide paddlefish stock assessment study within the Mississippi River. Twenty-two states are participating in the study, which is recognized as the largest and most comprehensive freshwater fisheries investigation ever conceived in this country.

1997 - LDWF begins spawning and rearing paddlefish fingerlings at the new Booker T. Fowler State Fish Hatchery.

1998 - Because of mounting fishing pressure on European sturgeon stocks and the world wide demand for paddlefish and sturgeon products, **CITES** lists all paddlefish and sturgeon world wide as Appendix II species in order to restrict trade and slow decimation of world stocks.

1999 - Fisheries geneticists have almost completed genetic inventory of the worlds' sturgeon species. Forensic specialists can now ID most paddlefish and sturgeon species by analysis of a single egg.

2000 - As pressure mounts on US stocks, only five states still have a commercial fishery for paddlefish eggs - Arkansas, Illinois, Indiana, Kentucky, and Mississippi.

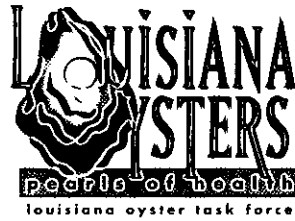
2000 - Poaching and egg counter-fitting continues as the USFWS seizes large caviar shipments in the US.

2000 - Louisiana fulfills its commitment of stocking 10 year classes of paddlefish fingerlings into Toledo Bend

2001 – Louisiana assumes leadership role of the National Paddlefish/sturgeon Subcom of **MICRA** which is working towards standard reporting requirements of all commercial and sport fisheries, and moving forward on completing regional paddlefish management plans within the Mississippi River basin.

2002 – Louisiana has stocked a total of 1,427,468 fry and fingerlings into state waters since recovery efforts began in 1991.

2002 – LDWF proposes a limited summertime (June 1 thru September 30) by-catch fishery on paddlefish for commercial and recreational fishers.



August 23, 2002

Mr. Thomas M. Gattle, Jr.
Chairman
Wildlife and Fisheries Commission
P.O. Box 98000
Baton Rouge, La. 70898-9000

Dear Mr. Gattle,

The Louisiana Oyster Task Force, (LOTF), would like to be included on the agenda of the next Wildlife and Fisheries Commission meeting to be held on Thursday, September 5, 2002. We would like an opportunity to speak on the list of Department of Natural Resources, (DNR), recommendations to the Department of Wildlife and Fisheries, (DWF), for the 2003 oyster lease renewals. Oyster farmers are very concerned about the recommendations made by DNR and would like for the Commission members to have the opportunity to hear these concerns in an open forum.

In closing, the Coastal Restoration committee of LOTF would like to thank you in advance for giving us a spot on your next meeting agenda. If you have any questions, please do not hesitate to call me at, 985-868-7191

Sincerely,

Mike Voisin
Chairman
Louisiana Oyster Task Force

c.c. James H. Jenkins
John Roussel
Oyster Task Force Members

1600 Canal Street, Suite 210

New Orleans, LA 70112

1.800.222.4017



August 20, 2002

Mr. James H. Jenkins
Secretary
Louisiana Department of
Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, La. 70898-9000

Dear Secretary Jenkins,

On Thursday, August 15, 2002, the Louisiana Oyster Task Force, (LOTF), met and was presented with a list of the Department of Natural Resources, (DNR), recommendations to the Department of Wildlife and Fisheries, (DWF), for the 2003 oyster lease renewals as provided in Act 439. In the opinion of the LOTF, the recommendations made by DNR are concerning and we would request a meeting with you and other members of your staff to discuss the long term consequences of these recommendations in respect to the longevity of the oyster farming business in Louisiana.

For your information, there are 848 oyster leases up for renewal in 2003. These oyster leases consist of 54,836 acres. The DNR is making the following recommendations to the DWF:

- 1) 404 oyster leases be renewed as traditional 15- year leases.
- 2) 18 oyster leases in the Caernarvon area on or above the 5ppt line not renewed.
- 3) 176 leases in the Caernarvon "extended" area that are alleged to be detrimentally influenced by the freshwater diversion be renewed as operational leases.
- 4) 3 leases in the Caernarvon "extended" area not be renewed because they fall within CWPPRA project to begin this year.
- 5) 178 leases in the Barataria Cumulative area are expiring of which:
 - a. 2 leases not renewed because those leases participated in the Davis Pond oyster relocation program.
 - b. 176 leases remaining leases be renewed as operational leases.
 - c. 38 expiring leases stretching from West Plaquemines Parish to Terrebonne Parish not be renewed because they fall within the barrier island/headland restoration zone.
- 1) 9 of these leases are located in a funded 2003 CWPPRA dredging project.
- 2) Pertaining to these 9 leases, DNR recommends that DWF research the possibility of reinstating these canceled leases after the project is built.
- 3) 1 lease not be renewed because it falls within a Corp. of Engineers beneficial use site

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New Orleans, LA 70112

1.800.222.4017

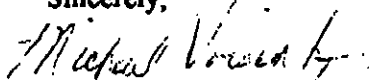
to begin in 2003.

- 4) 3 additional leases be renewed as bobtail leases until there is funding to begin construction.
- 5) 1 additional lease located within a Coast 2050 barrier island project scheduled to begin in 3 years be renewed as a bobtail lease to expire in 3 years.
- 6) 12 leases located within the Coast 2050 Feasibility Study Project area that are planned to rebuild marsh in and around barrier islands.
 - a. 3 be renewed as bobtail leases for 3-5 years.
 - b. 9 of the remaining leases be renewed as traditional 15-year leases.

Since DNR's recommendations may place the Louisiana oyster farming business in potential jeopardy, and our future insecure, the LOTF believes it is necessary that we look to the DWF to "protect oyster leases of private oyster bedding grounds in their enjoyment of their rights."

In closing, a committee of members of the LOTF would like to meet with you, your staff and members of the Commission prior to September 1, 2002 because of the timely nature of these matters. I would appreciate if you would call me at 985-868-7191 to let me know when you will be able to meet.

Sincerely,



Michael Voisin
Chairman
Louisiana Oyster Task Force

cc: John Roussel
Oyster Task Force Members
Louisiana Wildlife and Fisheries Commission



UPY
John
Fleeta
mashy
Patrick

August 30, 2002

Mr. James H. Jenkins
Secretary
Louisiana Department of
Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, La. 70898-9000

Dear Secretary Jenkins,

On Thursday, August 15, 2002, the Louisiana Oyster Task Force, (LOTF), met and a motion was made in regard to outstanding oyster lease applications that have been previously filed.

A moratorium on issuing new oyster lease applications consisting of new acreage was put in place at the request of the Department of Natural Resources, (DNR), until such time that all current coastal restoration projects could be mapped. This task has been completed.

The Louisiana Oyster Task Force recommends to the Department of Wildlife and Fisheries, the Wildlife and Fisheries commission and to the DNR that all oyster lease applications which have been filed that are not in conflict with mapped projects be processed immediately.

If you should have any questions, please contact me at 985-868-7191.

Sincerley,

Michael Voisin
Chairman
Louisiana Oyster Task Force

Cc: Oyster Task Force Members
Jack Caldwell, Secretary (DNR)
Wildlife and Fisheries Commission

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 2003						
			1	2	3	4
5	6	7 ✓	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR SALE GOODS	NO. CASES PAID	AMOUNT PAID	DISCOUNTS TAKEN	PERCENT DOLLARS PAID	PERCENT CASES PAID
FISCAL YEAR 1993-94								
July, 1993	25	\$21,039.00	(\$9,778.00)	29	\$4,855.00	\$2,545.00		
Aug., 1993	53	\$44,922.00	(\$1,137.00)	41	\$7,950.00	\$3,603.00		
Sept., 1993	42	\$137,635.00	(\$17,938.00)	35	\$6,783.00	\$3,048.00		
Oct., 1993	49	\$21,471.00	(\$11,282.00)	40	\$3,285.00	\$1,519.00		
Nov., 1993	57	\$31,207.00	(\$13,260.00)	32	\$3,053.00	\$2,845.00		
Dec., 1993	53	\$13,777.00		27	\$6,507.00	\$6,713.00		
Jan., 1994	38	\$18,918.00		32	\$4,423.00	\$2,831.00		
Feb., 1994	68	\$38,131.00	(\$8,238.00)	46	\$9,124.00	\$5,993.00		
Mar., 1994	38	\$22,739.00	(\$2,482.00)	51	\$10,854.00	\$6,796.00		
April, 1994	14	\$44,732.00	(\$1,404.00)	27	\$7,307.00	\$4,632.00		
May, 1994	10	\$4,504.00	(\$165.00)	7	\$5,447.00	\$3,808.00		
June, 1994	29	\$26,167.00	(\$2,986.00)	12	\$1,886.00	\$1,214.00		
Total FY 1994	476	\$425,242.00	(\$68,670.00)	379	\$71,474.00	\$45,547.00	27.5%	79.6%
FISCAL YEAR 1994-95								
July, 1994	17	\$2,127.00	(\$335.00)	23	\$2,101.00	\$1,437.00		
Aug., 1994	41	\$96,403.00	(\$3,035.00)	20	\$1,010.00	\$605.00		
Sept., 1994	34	\$14,614.00	(\$14,002.00)	26	\$2,596.00	\$2,342.00		
Oct., 1994	94	\$17,426.00	(\$8,677.00)	38	\$2,922.00	\$3,179.00		
Nov., 1994	43	\$103,592.00		45	\$3,992.00	\$2,803.00		
Dec., 1994	68	\$31,400.00		35	\$4,315.00	\$2,329.00		
Jan., 1995	55	\$27,601.00		52	\$7,493.00	\$4,921.00		
Feb., 1995	70	\$61,119.00		41	\$6,472.00	\$3,973.00		
Mar., 1995	31	\$25,072.00		44	\$8,315.00	\$4,737.00		
Apr., 1995	13	\$15,353.00		16	\$3,565.00	\$1,538.00		
May., 1995	23	\$11,632.00		16	\$4,315.00	\$654.00		
June 1995	45	\$31,008.00		18	\$2,630.00	\$1,025.00		
Total FY 1995	534	\$437,347.00	(\$26,049.00)	374	\$49,726.00	\$29,543.00	18.1%	70.0%
FICAL YEAR 1995-96								
July, 1995	0	\$0.00						
Aug., 1995	46	\$17,425.00		27	\$9,028.00	\$1,729.00		
Sept., 1995	1	\$125.00		21	\$3,093.00	\$2,049.00		
Oct., 1995	122	\$206,244.00		29	\$2,720.00	\$1,161.00		
Nov., 1995	55	\$23,124.00		62	\$10,151.00	\$6,383.00		
Dec., 1995	50	\$18,607.26		32	\$4,780.66	\$2,802.76		
Jan., 1996	49	\$13,814.88	(\$15,296.45)	36	\$5,296.51	\$3,472.89		
Feb., 1996	50	\$14,716.97		38	\$5,777.53	\$3,416.91		
Mar., 1996	33	\$24,936.91		36	\$6,035.12	\$3,421.75		
Apr., 1996	30	\$11,006.66		36	\$7,173.12	\$2,711.54		
May., 1996	23	\$7,989.34		24	\$3,941.69	\$2,020.29		
June 1996	50	\$22,151.31		16	\$2,790.02	\$1,182.23		
Total FY 1996	509	\$360,141.33	(\$15,296.45)	357	\$60,786.65	\$30,350.37	25.3%	70.1%
FISCAL YEAR 1996-97								
July, 1996	40	\$71,894.13		32	\$5,249.93	\$2,947.96		
Aug., 1996	32	\$5,362.64		32	\$6,254.59	\$3,783.69		
Sept., 1996	41	\$7,210.00		29	\$2,259.96	\$1,326.58		
Oct., 1996	29	\$11,092.53		25	\$3,697.89	\$2,261.98		
Nov., 1996	20	\$10,009.10		22	\$1,624.63	\$698.02		
Dec., 1996	13	\$238,466.04		22	\$5,877.18	\$2,121.53		
Jan., 1997	27	\$11,755.22		17	\$4,393.30	\$2,377.09		
Feb., 1997	47	\$18,520.87		42	\$8,579.84	\$5,552.63		
Mar., 1997	26	\$13,434.02		27	\$4,999.59	\$2,757.67		
Apr., 1997	10	\$2,908.87		15	\$2,322.88	\$1,298.66		
May., 1997	20	\$11,682.70		15	\$5,198.91	\$1,399.21		
June 1997	5	\$8,036.58		10	\$2,335.24	\$765.34		
Total FY 1997	310	\$410,372.70	\$0.00	288	\$52,793.94	\$27,290.36	19.5%	92.9%
FICAL YEAR 1997 - 98								
July, 1997	10	\$2,811.71		8	\$1,584.67	\$823.11		
Aug., 1997	14	\$8,741.30		8	\$1,496.49	\$779.14		
Sept., 1997	29	\$19,926.37		12	\$2,051.78	\$1,278.04		
Oct., 1997	12	\$4,716.81		23	\$3,184.83	\$2,063.89		
Nov., 1997	23	\$54,965.34		10	\$2,424.86	\$1,218.28		
Dec., 1997	25	\$36,881.09		15	\$4,376.97	\$2,775.66		
Jan., 1998	42	\$30,025.81		17	\$5,300.40	\$3,533.66		
Feb., 1998	37	\$31,164.95		29	\$22,961.69	\$8,501.18		
Mar., 1998	9	\$13,273.45		32	\$9,406.56	\$4,371.53		

Apr., 1998	10	\$5,628.21		10	\$2,602.62	\$1,279.77		
May., 1998	0	\$225.00		8	\$2,885.02	\$950.46		
June 1998	5	\$2,414.03		6	\$1,041.54	\$98.00		
Total FY 1998	216	\$210,774.07	\$0.00	178	\$59,317.43	\$27,672.72	41.3%	82.4%
FICAL YEAR 1998 - 99								
July, 1998	9	\$1,390.43		8	\$1,964.20	\$716.75		
Aug., 1998	10	\$2,240.70		10	\$1,048.28	\$372.47		
Sept., 1998	8	\$2,768.96		11	\$2,000.36	\$1,148.23		
Oct., 1998	22	\$28,704.85		14	\$1,860.17	\$807.48		
Nov., 1998	19	\$9,137.79		11	\$1,765.97	\$1,092.43		
Dec., 1998	23	\$11,959.10		27	\$4,441.02	\$2,040.71		
Jan., 1999	41	\$21,179.55		18	\$6,621.63	\$3,838.22		
Feb., 1999	45	\$26,236.24		41	\$12,119.09	\$6,923.61		
Mar., 1999	15	\$7,549.57		33	\$8,281.77	\$4,138.44		
Apr., 1999	9	\$8,013.54		14	\$3,035.82	\$1,388.41		
May., 1999	5	\$5,161.23		5	\$905.50	\$405.00		
June 1999	7	\$3,719.01		13	\$3,011.06	\$533.83		
Total FY 1999	213	\$128,060.97	\$0.00	205	\$47,054.87	\$23,405.58	55.0%	96.2%
FISCAL YEAR 1999-2000								
July, 1999	5	\$1,556.38		9	\$2,287.53	\$1,198.81		
Aug., 1999	10	\$2,510.83		15	\$2,455.38	\$513.73		
Sept., 1999	6	\$2,032.19	\$5,324.80	28	\$3,563.06	\$475.93		
Oct., 1999	11	\$4,452.31	\$567.75	25	\$2,775.48	\$557.41		
Nov., 1999	14	\$8,634.64		26	\$3,250.96	\$1,322.96		
Dec., 1999	24	\$15,891.96		19	\$3,862.76	\$2,126.27		
Jan., 2000	49	\$27,872.14		28	\$7,952.94	\$3,814.02		
Feb., 2000	21	\$11,039.59		30	\$10,159.24	\$6,216.42		
Mar., 2000	19	\$9,873.21		31	\$6,709.07	\$3,555.40		
Apr., 2000	12	\$7,897.70		17	\$2,932.41	\$1,512.54		
May, 2000	7	\$5,039.46	\$293.60	20	\$7,062.23	\$3,164.00		
June, 2000	16	\$14,566.88		18	\$5,766.59	\$1,852.12		
Total FY 2000	194	\$111,367.29	\$6,186.15	266	\$58,777.65	\$26,309.61	76%	137%
FISCAL YEAR 2000-01								
July, 2000	2	\$865.01		14	\$1,948.03	\$154.01		
Aug., 2000	20	\$15,837.60		17	\$3,302.27	\$1,063.92		
Sept., 2000	12	\$3,562.26		23	\$8,718.21	\$1,351.41		
Oct., 2000	18	\$122,696.24		29	\$7,457.98	\$490.16		
Nov. 2000	13	\$15,851.30		22	\$4,038.50	\$309.30		
Dec., 2000	40	\$30,234.92		24	\$7,189.98	\$462.13		
Jan., 2001	28	\$15,923.38		25	\$7,611.66	\$833.60		
Feb., 2001	35	\$20,181.39		30	\$18,568.12	\$1,917.82		
Mar., 2001	8	\$5,956.83		37	\$15,724.02	\$753.86		
Apr., 2001	20	\$24,145.82		22	\$4,856.39	\$225.93		
May 2001	4	\$1,677.36		20	\$3,700.77	\$313.58		
June 2001	3	\$932.20		31	\$8,433.81	\$346.90		
Total FY 2001	203	\$257,864.31	\$0.00	294	\$91,549.74	\$8,222.62	39%	145%
FISCAL YEAR 2001-02								
July, 2001	4	\$4,290.29		25	\$6,328.36	\$293.54		
Aug., 2001	6	\$9,452.69		18	\$2,984.52			
Sept., 2001	0	\$175.00		25	\$4,157.32	\$66.29		
Oct., 2001	15	\$6,439.06		18	\$3,174.66	\$67.32		
Nov., 2001	15	\$5,913.63		24	\$3,932.41	\$194.66		
Dec., 2001	36	\$21,868.88		20	\$5,384.19	\$502.17		
Jan., 2002	56	\$27,650.44		38	\$11,100.99	\$1,008.09		
Feb., 2002	27	\$14,211.31	\$620.55	37	\$20,017.87	\$861.63		
Mar., 2002	8	\$6,765.68		36	\$10,061.89	\$419.16		
Apr., 2002	20	\$11,296.19		19	\$2,196.02	\$49.33		
May, 2002	3	\$30,852.57	\$11,887.80	27	\$8,265.67	\$538.72		
June, 2002	3	\$8,636.08		23	\$3,418.15	\$87.91		
Total FY 2002	193	\$147,551.82	\$12,508.35	310	\$81,022.05	\$4,088.82	58%	161%
FISCAL YEAR 2002-03								
July, 2002	8	\$6,915.26		20	\$3,308.14	\$111.90		
Aug., 2002	12	\$11,943.66		24	\$4,010.98	\$47.33		
Sept., 2002								
Oct., 2002								
Nov., 2002								
Dec., 2002								

Jan., 2003
Feb., 2003
Mar., 2003
Apr., 2003
May, 2003
June, 2003

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT
CURRENT MONTH
08/01/2002 TO 08/31/2002

	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	12	\$11,943.66
HEARING COSTS ASSESSED	0	\$0.00
SALE OF CONFISCATED COMMODS	0	\$0.00
SALES EXCEEDING RESTITUTION	0	\$0.00
=====		
RESTITUTION ASSESSED	12	\$11,943.66
PAYMENTS	7	\$1,472.19-
PAYMENTS AFTER PAST DUE NOTICE	6	\$809.54-
PAYMENTS AFTER REVOKED NOTICE	6	\$516.31-
PAYMENTS FROM COLLECTION EFFORT	5	\$1,212.94-
PAYMENTS FROM HRG COST ASSESSED	4	\$100.00-
DISCOUNTS FOR TIMELY PAYMENTS	2	\$47.33-
OVERPAYMENTS	1	\$0.31
REFUND OF OVERPAYMENT	0	\$0.00
APPLIED CONFISCATED COMMODS	0	\$0.00
APPLIED EXCEEDING BALANCE DUE	0	\$0.00
REFUND OF CONFISCATED COMMOD.	0	\$0.00
RETURNED CHECKS	0	\$0.00
MISC. ADJUSTMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
REASSESSMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
WRITE-OFFS	1	\$388.40-
ASSESSMENTS WITHDRAWN	0	\$0.00
ADJUDICATION ADJUSTMENTS	0	\$0.00
FOUND NOT RESPONSIBLE	0	\$0.00
DISMISSED BY D.A.	0	\$0.00
CASES VOIDED BY ENFORCEMENT	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00
DISMISSED BY ADMIN LAW	0	\$0.00

FOOTNOTE:		
FORFEIT OF CONFISCATED COMMODS	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT
FISCAL YEAR TO DATE
07/01/2002 TO 08/31/2002

	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	20	\$18,858.92
HEARING COSTS ASSESSED	0	\$0.00
SALE OF CONFISCATED COMMODS	0	\$0.00
SALES EXCEEDING RESTITUTION	0	\$0.00
=====		
RESTITUTION ASSESSED	20	\$18,858.92
PAYMENTS	18	\$3,627.85-
PAYMENTS AFTER PAST DUE NOTICE	8	\$1,009.54-
PAYMENTS AFTER REVOKED NOTICE	10	\$1,153.79-
PAYMENTS FROM COLLECTION EFFORT	8	\$1,527.94-
PAYMENTS FROM HRG COST ASSESSED	8	\$200.00-
DISCOUNTS FOR TIMELY PAYMENTS	5	\$159.23-
OVERPAYMENTS	1	\$0.31
REFUND OF OVERPAYMENT	1	\$6.38
APPLIED CONFISCATED COMMODS	0	\$0.00
APPLIED EXCEEDING BALANCE DUE	0	\$0.00
REFUND OF CONFISCATED COMMOD.	0	\$0.00
RETURNED CHECKS	0	\$0.00
MISC. ADJUSTMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
REASSESSMENTS		
DEBITS	0	\$0.00
CREDITS	0	\$0.00
WRITE-OFFS	1	\$388.40-
ASSESSMENTS WITHDRAWN	0	\$0.00
ADJUDICATION ADJUSTMENTS	0	\$0.00
FOUND NOT RESPONSIBLE	0	\$0.00
DISMISSED BY D.A.	0	\$0.00
CASES VOIDED BY ENFORCEMENT	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00
DISMISSED BY ADMIN LAW	1	\$118.26-

FOOTNOTE:		
FORFEIT OF CONFISCATED COMMODS	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
 CIVIL RESTITUTION ACTIVITY REPORT
 INCEPTION TO DATE
 08/31/2002

	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	4,411	\$3,121,899.96
HEARING COSTS ASSESSED	340	\$8,975.00
SALE OF CONFISCATED COMMODS	331	\$269,865.45-
SALES EXCEEDING RESTITUTION	138	\$58,209.82
=====		
RESTITUTION ASSESSED	4,411	\$2,919,219.33
PAYMENTS	2,990	\$630,160.11-
PAYMENTS AFTER PAST DUE NOTICE	32	\$5,763.05-
PAYMENTS AFTER REVOKED NOTICE	67	\$20,719.74-
PAYMENTS FROM COLLECTION EFFORT	37	\$24,842.18-
PAYMENTS FROM HRG COST ASSESSED	177	\$4,600.00-
DISCOUNTS FOR TIMELY PAYMENTS	2,087	\$256,553.10-
OVERPAYMENTS	116	\$92.25
REFUND OF OVERPAYMENT	59	\$11,678.96
APPLIED CONFISCATED COMMODS	17	\$44,255.65-
APPLIED EXCEEDING BALANCE DUE	5	\$6,780.54
REFUND OF CONFISCATED COMMOD.	8	\$45,896.70
RETURNED CHECKS	1	\$61.75
MISC. ADJUSTMENTS		
DEBITS	3	\$55.00
CREDITS	13	\$10.22-
REASSESSMENTS		
DEBITS	21	\$6,881.15
CREDITS	63	\$36,913.30-
WRITE-OFFS	984	\$1,065,143.21-
ASSESSMENTS WITHDRAWN	7	\$1,794.95-
ADJUDICATION ADJUSTMENTS	25	\$12,400.80-
FOUND NOT RESPONSIBLE	83	\$165,785.81-
DISMISSED BY D.A.	0	\$0.00
CASES VOIDED BY ENFORCEMENT	2	\$559.32-
OVERTURNED ON APPEAL	1	\$524.54-
DISMISSED BY ADMIN LAW	1	\$118.26-
=====		
** TOTAL OUTSTANDING	298	\$720,521.44

FOOTNOTE:

FORFEIT OF CONFISCATED COMMODS	38	\$106,941.70 *
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AGING OF SALE OF CONFISCATED COMMODITIES

VIOLATION DATE UNKNOWN	0	\$0.00
1 - 30 DAYS	3	\$538.20
31 - 60 DAYS	5	\$1,856.40
61 - 90 DAYS	8	\$36,718.25
91 - 120 DAYS	14	\$13,963.14
121 - 150 DAYS	5	\$978.45
151 - 180 DAYS	1	\$125.40
181 - 365 DAYS	24	\$16,320.53
OVER ONE YEAR	122	\$103,619.27
OVER TWO YEARS	150	\$118,108.21
OVER THREE YEARS	792	\$542,361.09
		=====
** TOTAL AGING	1,124	\$834,588.94

AGING OF OUTSTANDING CASES

COLLECTIONS WITH AGENCY:

CAN NOT BE INVOICED	0	\$0.00
CURRENT	11	\$11,624.44
1 - 30 DAYS	5	\$5,804.41
31 - 90 DAYS	4	\$37,684.53
91 - 180 DAYS	23	\$16,826.19
181 - 365 DAYS	39	\$24,387.41
OVER ONE YEAR	118	\$133,086.88

COLLECTIONS WITH PRIVATE COLLECTIONS FIRM:

1 - 90 DAYS	0	\$0.00
91 - 180 DAYS	0	\$0.00
181 - 365 DAYS	0	\$0.00
OVER ONE YEAR	96	\$416,342.04

AMOUNT UNDER PROTEST:

1 - 180 DAYS	1	\$549.00
181 - 365 DAYS	0	\$0.00
OVER ONE YEAR	1	\$74,216.00
		=====

** TOTAL AGING	298	\$720,520.90
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ENF_525U

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CLASS I ACTIVITY REPORT
CURRENT MONTH
08/01/2002-08/31/2002PAGE: 1
DATE: 09/03/2002

	# CASES	AMOUNT
FINES	942	\$50,455.00
HEARING COSTS		
DEBITS	151	\$3,775.00
CREDITS	3	\$75.00-
LATE CHARGES		
DEBITS	384	\$2,927.50
CREDITS	0	\$0.00
		=====
TOTAL DUE		\$57,082.50

=====

PAID IN FULL	535	\$29,317.00-
PARTIAL PAYMENTS	19	\$800.00-
ATTORNEY GENERAL COLLECTIONS	0	\$0.00
ATTORNEY GENERAL FEES	0	\$0.00
WRITE-OFFS	0	\$0.00
OVERPAYMENTS	6	\$177.50
REFUNDS	14	\$357.00
RETURNED CHECKS	1	\$75.00
MISC CHANGES		
DEBITS	0	\$0.00
CREDITS	1	\$0.00
ADJUSTMENTS TO VIOLATION		
DEBITS	1	\$50.00
CREDITS	1	\$50.00-
VOIDS	53	\$2,700.00-
NOT GUILTY	1	\$50.00-
DISMISSED BY ADMIN LAW	1	\$50.00-
DISMISSED BY ENFORCEMENT	2	\$100.00-
GUILTY/FINE WAIVED	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CLASS I ACTIVITY REPORT
FISCAL YEAR TO DATE
07/01/2002-08/31/2002

	# CASES	AMOUNT
FINES	2,214	\$115,505.00
HEARING COSTS		
DEBITS	214	\$5,350.00
CREDITS	6	\$150.00-
LATE CHARGES		
DEBITS	432	\$3,297.50
CREDITS	0	\$0.00
		=====
TOTAL DUE		\$124,002.50

=====

PAID IN FULL	1,405	\$76,329.00-
PARTIAL PAYMENTS	33	\$1,370.00-
ATTORNEY GENERAL COLLECTIONS	0	\$0.00
ATTORNEY GENERAL FEES	0	\$0.00
WRITE-OFFS	0	\$0.00
OVERPAYMENTS	9	\$182.00
REFUNDS	30	\$794.50
RETURNED CHECKS	1	\$75.00
MISC CHANGES		
DEBITS	0	\$0.00
CREDITS	1	\$0.00
ADJUSTMENTS TO VIOLATION		
DEBITS	5	\$250.00
CREDITS	3	\$150.00-
VOIDS	83	\$4,200.00-
NOT GUILTY	5	\$250.00-
DISMISSED BY ADMIN LAW	1	\$50.00-
DISMISSED BY ENFORCEMENT	8	\$400.00-
GUILTY/FINE WAIVED	0	\$0.00
OVERTURNED ON APPEAL	0	\$0.00

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CLASS I ACTIVITY REPORT
INCEPTION TO DATE
08/31/2002

	# CASES	AMOUNT
FINES	100,548	\$5,115,162.07
HEARING COSTS		
DEBITS	24,927	\$623,337.80
CREDITS	7	\$9,516.00-
LATE CHARGES		
DEBITS	529	\$4,050.00
CREDITS	0	\$0.00
		=====
TOTAL DUE		\$5,733,033.87

=====

PAID IN FULL	59,194	\$3,120,041.49-
PARTIAL PAYMENTS	1,498	\$68,299.25-
ATTORNEY GENERAL COLLECTIONS	16	\$690.00-
ATTORNEY GENERAL FEES	33	\$345.00-
WRITE-OFFS	11,922	\$695,152.50-
OVERPAYMENTS	186	\$4,209.28
REFUNDS	292	\$13,512.31
RETURNED CHECKS	71	\$3,675.00
MISC CHANGES		
DEBITS	68	\$1,075.00
CREDITS	170	\$141.88-
ADJUSTMENTS TO VIOLATION		
DEBITS	203	\$11,900.00
CREDITS	36	\$2,150.00-
VOIDS	5,257	\$264,300.00-
NOT GUILTY	1,178	\$59,850.00-
DISMISSED BY ADMIN LAW	180	\$9,100.00-
DISMISSED BY ENFORCEMENT	34	\$1,700.00-
GUILTY/FINE WAIVED	156	\$7,850.00-
OVERTURNED ON APPEAL	0	\$0.00
		=====
TOTAL OUTSTANDING		\$1,537,785.34

AGING OF OUTSTANDING CASES FROM CITATION DATE

COLLECTIONS WITH AGENCY:

CURRENT	457	\$24,450.00
1 - 30 DAYS	678	\$35,805.00
31 - 90 DAYS	1,174	\$61,575.00
91 - 180 DAYS	893	\$48,882.50
181 - 365 DAYS	775	\$60,972.50
OVER ONE YEAR	18,526	\$1,291,460.34

COLLECTIONS WITH ATTORNEY GENERAL:

1 - 90 DAYS	0	\$0.00
91 - 180 DAYS	0	\$0.00
181 - 365 DAYS	0	\$0.00
OVER ONE YEAR	195	\$14,640.00

AMOUNT UNDER PROTEST:

1 - 180 DAYS	0	\$0.00
181 - 365 DAYS	0	\$0.00
OVER ONE YEAR	0	\$0.00

=====

** TOTAL AGING	22,698	\$1,537,785.34
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AGING OF OUTSTANDING CASES FROM HEARING DATE

PREHEARING	2,089	\$109,205.00
0 - 90 DAYS	1,212	\$66,860.00
91 - 180 DAYS	273	\$22,005.00
181 - 270 DAYS	205	\$16,152.50
271 - 365 DAYS	812	\$63,392.50
OVER ONE YEAR	18,107	\$1,260,170.34

=====

** TOTAL AGING	22,698	\$1,537,785.34
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SCHEDULE FOR FINAL RULES TO BE PUBLISHED IN STATE REGISTER

SEPT-02	RULE - Cypress Lake & Black Bayou Reservoir Netting Prohibition
	RULE - Alligator Regulations
	RULE - Oyster Lease Moratorium
OCT-02	RULE - Deer and Elk Importation
	RULE - Disposal of Illegal Live Deer and Elk
	RULE - Coastwide Nutria Control Program
NOV-02	RULE - 2003 Turkey Season
DEC-02	RULE - Shrimp Excise Tax
	RULE - Recreational Electronic Licensing
	RULE - Coastwide Nutria Control Program

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
225/765-2925

2002-207

8/30/02

AGENDA SET FOR SEPTEMBER L.W.F.C. MEETING

The next regular public board meeting of the Louisiana Wildlife and Fisheries Commission has been scheduled for 10:00 a.m. on Thursday, September 5, 2002. The meeting will be held at the Wildlife and Fisheries Building, located at 2000 Quail Drive, Baton Rouge, La. The agenda is as follows:

1. Roll Call
2. Approval of Minutes of August 1, 2002
3. Enforcement/Aviation Reports/August
4. Approval of Atchafalaya Delta WMA Lease Renewal
5. Resolution and Declaration of Emergency — 2002-03 Waterfowl Season
6. Resolution and Declaration of Emergency — Deer and Elk Importation
7. Resolution, Declaration of Emergency and Notice of Intent — Game Breeder Rule Change — Deer Prohibition
8. Resolution — Requesting Moratorium on Alternative Livestock Licenses
9. Public Comments — 2003 Turkey Season
10. Rule Ratification — Alligator Tag Fee
11. Amendment to Regulations on Proposed Rule — Coastwide Nutria Control Program
12. Rule Ratification — Cypress Lake and Black Bayou Reservoir Netting Prohibition
13. Notice of Intent — Paddlefish — Special Fishing Season
14. Presentation by Oyster Task Force on Department of Natural Resource's Oyster Lease Renewal Recommendations
15. Set January 2003 Meeting Date
16. Public Comments
17. Adjournment

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
225/765-2925

2002-206

8/30/02

SPORTS AND COMMERCIAL FISHING COMMITTEE TO MEET

The Sports and Commercial Fishing Committee of the Louisiana Wildlife and Fisheries Commission will meet on Thursday, September 5, in the Fourth Floor Conference Room of the Wildlife and Fisheries Building, located at 2000 Quail Drive, in Baton Rouge. The meeting, scheduled to begin at 9:00 a.m., will discuss the following:

1. Ghost Crab Traps
2. Limited Entry for Crab Fishery
3. Consideration of Closed Season for Crabbing

EDITORS: For more information, contact Thomas Gresham at 225/765-2923 (gresham_tp@wlf.state.la.us).

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(225) 765-2800
August 28, 2002

M.J. "Mike" Foster, Jr.
Governor

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: September Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, September 5, 2002, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of August 1, 2002

WINTON VIDRINE

3. Enforcement & Aviation Reports/August

OFFICE OF WILDLIFE

4. Approval of Atchafalaya Delta WMA Lease Renewal
5. Resolution and Declaration of Emergency - 2002-03 Waterfowl Season
6. Declaration of Emergency - Deer and Elk Importation
7. Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition
8. Resolution - Requesting Moratorium on Alternative Livestock Licenses

Page 2
Commission Meeting
August 28, 2002

9. Public Comments - 2003 Turkey Season
10. Rule Ratification - Alligator Tag Fee
11. Amendment to Regulations on Proposed Rule - Coastwide Nutria Control Program

OFFICE OF FISHERIES

12. Rule Ratification - Cypress Lake & Black Bayou Reservoir Netting Prohibition
13. Notice of Intent - Paddlefish - Special Fishing Season
14. Presentation by Oyster Task Force on Department of Natural Resource's Oyster Lease Renewal Recommendations
15. Set January 2003 Meeting Date
16. Public Comments

JHJ:sch

cc: Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Ewell Smith
Division Chiefs
Marianne Burke

August 28, 2002
NEWS RELEASE

APPROVED: _____



AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, September 5, 2002, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 1, 2002
3. Enforcement & Aviation Reports/August
4. Approval of Atchafalaya Delta WMA Lease Renewal
5. Resolution and Declaration of Emergency - 2002-03 Waterfowl Season
6. Resolution and Declaration of Emergency - Deer and Elk Importation
7. Resolution, Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition
8. Resolution - Requesting Moratorium on Alternative Livestock Licenses
9. Public Comments - 2003 Turkey Season
10. Rule Ratification - Alligator Tag Fee
11. Amendment to Regulations on Proposed Rule - Coastwide Nutria Control Program
12. Rule Ratification - Cypress Lake & Black Bayou Reservoir Netting Prohibition
13. Notice of Intent - Paddlefish - Special Fishing Season
14. Presentation by Oyster Task Force on Department of Natural Resource's Oyster Lease Renewal Recommendations
15. Set January 2003 Meeting Date
16. Public Comments
17. Adjournment

August 28, 2002

APPROVED: _____

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned over the line following the word 'APPROVED:'.

SPORTS & COMMERCIAL FISHING COMMITTEE TO MEET

The Sports & Commercial Fishing Committee of the Louisiana Wildlife and Fisheries Commission will meet on Thursday, September 5, 2002, in the Fourth Floor Conference Room of the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA. The meeting, scheduled to begin at 9:00 AM, will discuss the following:

- 1) Ghost Crab Traps
- 2) Limited Entry for Crab Fishery
- 3) Consideration of Closed Season for Crabbing

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(225) 765-2800
August 27, 2002

M.J. "Mike" Foster, Jr.
Governor

MEMORANDUM

TO: Sports and Commercial Fishing Committee Members
(Commissioners Stone, Kelly, Denmon and Gattle)

FROM: Susan Hawkins *Susan Hawkins*

SUBJECT: Committee Meeting

Committee Chairman Jerry Stone has called a meeting of the Sports and Commercial Fishing Committee for Thursday, September 5, 2002 at 9:00 AM in the Fourth Floor Conference Room. The meeting is to discuss the following issues: 1) ghost crab traps, 2) limited entry for crab fishery, and 3) consideration of closed season for crabbing.

Please let us know if you will be unable to attend. Thank you.

sch

cc: Commissioner Lee Felterman
Commissioner Bill Busbice
Commissioner Wayne Sagrera
James Jenkins, Jr.
John Roussel
Karen Foote

Added by Fred
Whitrock 8/28/2002

Approval of
Atchafalaya Delta
WMA Lease Renewal
Phil Bowman



FAX

Subject: Agenda

Date: August 23, 2002

Pages: 2, including this cover sheet.

COMMENTS:

The attached agenda has been revised from the one sent yesterday, item 5 was added. Please call me after you have reviewed the agenda. Thanks.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

, 2002

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: September Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, September 5, 2002, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of August 1, 2002

WINTON VIDRINE

3. Enforcement & Aviation Reports/August

OFFICE OF WILDLIFE

4. Resolution and Declaration of Emergency - 2002-03 Waterfowl Season
5. Declaration of Emergency - Deer and Elk Importation
6. Public Comments - 2003 Turkey Season
7. Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition

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Commission Meeting
, 2002

8. Rule Ratification - Alligator Tag Fee

9. Amendment to Regulations on Proposed Rule - Coastwide
Nutria Control Program

OFFICE OF FISHERIES

10. Rule Ratification - Cypress Lake & Black Bayou Reservoir
Netting Prohibition

11. Notice of Intent - Paddlefish - Special Fishing Season

12. Set January 2003 Meeting Date

13. Public Comments

JHJ:sch

cc: Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Ewell Smith
Division Chiefs
Marianne Burke

Added 8/22/2002 -
DE - Deer +
Elk Importation
Fred Kimmel



FAX

Subject: Agenda

Date: August 22, 2002

Pages: 3, including this cover sheet.

COMMENTS:

Please call me after you have reviewed the attached agenda. Thanks.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

, 2002

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: September Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, September 5, 2002, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of August 1, 2002

WINTON VIDRINE

3. Enforcement & Aviation Reports/August

OFFICE OF WILDLIFE

4. Resolution and Declaration of Emergency - 2002-03 Waterfowl Season
5. Public Comments - 2003 Turkey Season
6. Declaration of Emergency & Notice of Intent - Game Breeder Rule Change - Deer Prohibition
7. Rule Ratification - Alligator Tag Fee
8. Amendment to Regulations on Proposed Rule - Coastwide Nutria Control Program

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Commission Meeting
, 2002

OFFICE OF FISHERIES

9. Rule Ratification - Cypress Lake & Black Bayou Reservoir
Netting Prohibition

10. Notice of Intent - Paddlefish - Special Fishing Season

11. Set January 2003 Meeting Date

12. Public Comments

JHJ:sch

cc: Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Ewell Smith
Division Chiefs
Marianne Burke

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(225) 765-2800
August 1, 2002

M.J. "Mike" Foster, Jr.
Governor

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
Assistant Secretary-Office of Fisheries and Confidential
Assistant

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - September 5, 2002

Please write on the bottom of this memo and return to Susan Hawkins by Monday, August 19th any agenda items your office may have for the **Thursday, September 5th** Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on September 5th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Tommy Prickett
Bennie Fontenot
Karen Foote
Wynnette Kees
Brandt Savoie ✓
Ewell Smith
Marianne Burke

*Proposed Amendment of Regulations
for the Coastwide Nutria Control
Program Brandt Savoie*

*Final Ratification of Alligator
Tag Fee Brandt Savoie*

State of Louisiana



To: Susan

James H. Jenkins, Jr.
Secretary

Department of Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(225) 765-2800
August 1, 2002

M.J. "Mike" Foster, Jr.
Governor

MEMORANDUM

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
Assistant Secretary-Office of Fisheries and Confidential
Assistant

FROM: James H. Jenkins, Jr., Secretary

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Waterfowl Season dates
Public Comment - Turkey Season
Declaration of Emergency & Notice of Intent to
Game Breeder Rule Change / Deer
Prohibition

State of Louisiana



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Dear Susan:

*The Inland Fisheries Division
has the following items for
the September agenda:*

*1. RULE RATIFICATION; Cypress Lake - Black
Bazou Netting Prohibition.*

*2. NOTICE OF INTENT; Padellepka - Special
Fishing Season.*

Thanks

Beauve

An Equal Opportunity Employer

(copy to John Roussel)

State of Louisiana



James H. Jenkins, Jr.
Secretary

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Marianne Burke

Enforcement Report!
W.V.

Hawkins, Susan

From: Foote, Karen
Sent: Thursday, August 08, 2002 10:25 AM
To: Roussel, John E
Cc: Hawkins, Susan; Abbott, Janet; Porch, Pat
Subject: No Marine Fisheries items for September agenda as of this time.

State of Louisiana



James H. Jenkins, Jr.
Secretary

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Marianne Burke ✓

*Nothing for Public Info.
Marianne Burke*

State of Louisiana



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